Kerala Gaz ette No. 5 dated 2nd February 1982
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 1556/81/LBR. *Dated, Trivandrum, 26th December* 1981.

The award of the Industrial Tribunal, Alleppey in respect of the dispute between the Management of (1) Sri. P. Veeriah, Managing Partner, Sreekrishna Talkies, Alleppey, c/o Seematti Hall, Ernakulam (2) Sri V. Ramachandra Reddiar, Managing Partner, Veeriah Cene House, Alleppey, c/o Seematti Hall, Quilon, (3) Sri V. Ramachandra Reddiar, Managing Partner, Seematti Talkies, c/o Seematti Hall, Quilon and (4) Sri. V. Thiruvenkita Reddiar, Managing Partner Subhamma Talkies, Alleppey, c/o Seematti Stores, Kottayam and their workmen represented by the Alleppey District Cinema Workers' Union, INTUC (U) Register No. 364/79, Congress House, Mullackal, Alleppey received by Government on 3-12-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

P. GOMATHY AMMA,
Deputy Secretary.

In the Court of the Industrial Tribunal, Alleppey.

(Dated this the 30th day of June Nineteen Eightyone)

Present:

SHRI K. P. DEVADAS, B. A., B. L.,
Industrial Tribunal.

In

INDUSTRIAL DISPUTE No. 24/80

Between:

(1) Sri P. Veeriah, Managing Partner, Sreekrishna Talkies, Alleppey, c/o Seematti Hall, Ernakulam (2) Sri V. Ramachandra Reddiar, Managing Partner, Veeriah Cene House, Alleppey c/o Seematti Hall, Quilon (3) Sri V. Ramachandra Reddiar, Managing Partner, Srematti Talkies, c/o Seematti Hall, Quilon and (4) Sri V. Thiruvenkita Reddiar, Managing Partner, Subhamma Talkies, Alleppey, c/o Seematti Stores, Kottayam.

And

The workmen of the above employers represented by the Alleppey District Cinema Workers' Union, INTUC (U) Register No. 364/79, Congress House, Mullackal, Alleppey.

Representations :

1. Sri P. N. Ramakrishnan Nair, Advocate, Alleppey — For *Managements*.
2. Sri D. Sugathan, President, Alleppey District Cinema Workers Union, INTUC (U) Reg. No. 364/79. Alleppey. — For *Union*.

AWARD

This Industrial Dispute between the above parties was referred to this Tribunal for adjudication as per G. O. Rt. No. 1404/80 LBR, dated 4-10-1980- The issues referred are as follows :-

1. Relief for unemployment of workmen consequent to suspension of work in Sreekrishna Talkies, Alleppey.
2. Revision of wages, Dearness Allowance.
3. Revision of batta.
4. Annual increment.
5. Claim for double batta for work on holidays.
6. Regularisation of publicity workmen.
7. Bonus for the year 1979.

The four Cinema Theatres mentioned above are permanent Cinema Theatres engaged in film show in Alleppey town and the dispute between the management of the above theatres and the Alleppey District Cinema Workers Union, representing the workers in these theatres start when the Union put forward their demands for the amenities for the workmen and for their better living.

The Union in their claim statement narrates their grievances as follows :—

The cinema theatres viz., Sreekrishna Talkies, Veeriah Talkies, Seematti Talkies and Subhamma Talkies were founded and run by late Sri Veeriah Reddiar and the services of all the employees had commenced in each of these theatres before his demise in the year 1981. During the life time of Sri Veeriah Reddiar and after his demise his successors and legal heirs were collaborating in the conduct of business in the above theatres and therefore, as successors after his demise and as collaborators with him during his life time; the present owners of the theatres whether they are known as partners or in any other capacity, are all jointly and severally liable in regard to the service claims of the employees, separately and jointly for all the said four theatres. The employees had no knowledge or information regarding the existence of any partnership or any such innovation relating to the employer-employee relationship, otherwise than their faith and belief that they had all along been the employees under Sri Veeriah Reddiar and after his demise in the year 1981 as employees

of his successors and legal heirs. So the employer-employee relationship is one of continuity under one and the same employer or under the group of employers, who succeeded the principal employer who was the founder. The union further states that the employees had been serving the establishments with utmost devotion to duty and sense of sacrifice in promoting the interest for the growth of the establishments in which they are serving. But the employees were not given suitable remuneration particularly in consideration of the upward spiral of cost of living and depreciation of money value during the past several years. The case of Wage Revision and suitable benefits or payment of ancillary benefits such as payment of D. A. Batta Bonus or any allowance commensurate to the hardships of the employees was never considered. So, in early 1978 having been put to hardships and grief, the employees become organised under the union and thereafter they had been subjected to ill-treatment by the employers and also denial of claims as well as victimisation. But at the same time the employers were showering benefits on the employees who were not organised under the union. According to the union, the discriminatory teratment as well as the hardships and heart-burnings of the employees compelled the union to raise demands seeking remedial measures for relief to the employees. Motivated by the spirit of victimisation, the Management suspended work in Sreekrishna Talkies with absolutely no notice to the union, the employees or any of the authorities concerned. On the intervention by the union the management stated that the suspension of work was only temporary for a period of six months for certain renovation works of the theatres and believing the same the union accepted the offer of 75% wages to each employees as it stood at the suspension of work in the theatres. Taking this step by the management as a warning to employees as a whole for suspension of work likewise in the other theatres too and the circumstances of hardships of the employees having become grave, the union placed before the management a charter of demands dated 1-7-1980, wherein they demanded enhancement of wages, enhancement of D. A., introduction of ESI Scheme and Provident Fund benefits, grant of annual increment with retrospective effect, payment of full benefits under the National and Festival Holidays' Act, enhancement of batta regularisation of publicity workers and absorption of them as monthly paid employees, extra wages for extra duty and payment of Bouns. Along with these demands the union claimed normal wages to the employees of Sreekrishna Talkies when work stood suspended. Further, to the charter of demands the union by letter dated 4-7-1980 implored the management for a reasonable settlement in the instant of promoting healthy labour relations. But the management did not co-operate at all in all the moves. Thereafter several joint conferences of the management and the union were held by the District Labour Officer but the employers deliberately evaded all the conferences as a result of which on 25-7-1980 the union served on the management a strike notice and on 12-8-1980 they struck work. As a last effort the District Labour Officer convened an urgent conference on 21-8-1980 and even this conference was also not attended but the union representatives who were called at the meeting

were made known of the fact of receipt of a letter from each of the four employers separately, which were identically worded declaring that the respective partnerships had resolved to dissolve the partnerships and to retrench the workers and that notices to the workers were being sent and notice to Government under section 25F (c) of the Industrial Disputes Act were being forwarded. But no such notice was then served nor in the immediate future thereafter. Contrary to the spirit of this letter the management had published in Kerala Kaumudi dated 1-9-1980, their intention to resume the business provided some impartial person's interference and settle the matter. They failed to attend the meeting held by the Labour Commissioner on 4-9-1980 also and in the next meeting arranged by the Labour Commissioner in the presence of the Labour Minister they did not mention about their intention to dissolve the partnerships. In the meeting they requested for a weeks time to make a final decision and on 26-9-1980 at Trivandrum when again a conference was held made the declaration to dissolve the partnership and to retrench the workers. But no notice under section 25 F (2) of the I. D. Act basing on the letter dated 21-8-1980 addressed to the Labour Officer. Afterwards this reference was made by the Government and another notification under section 10B-sub-section (1) (a) also was issued directing the management to reopen the theatres forthwith and the workers to withdraw strike and to pay the workers the wages that were paid before commencing the dispute with an extra payment of R. 50 per month to every employee from the date of reopening. The union stated in their claim statement that though they have complied with orders the management refused to comply with the same and instead they approached the High Court with a writ petition. By another order No. G. O. Rt. No. 1472/80 LBR dated 17-10-1980 the Government prohibited lock-out in the theatres except in Sreekrishna Talkies. In these circumstances the union prays to allow their claims in full and to pass an award in their favour.

The written statement by the managements were filed in two sets one by management No.1 and the other by management No. 2 to 4.

In the statement filed by management No. 1, Sri P. Veeriah, Sreekrishna Talkies, Alleppey alleges that the reference itself is illegal since for separate references were to be made with regard to the four theatres, as the character of dispute in these four theatres are distinct disputes. Regarding the issue, relief for employment of workers consequent to suspension of work in Sreekrishna Talkies at Alleppey, they state that there was no suspension of work as stated in the annexure to the order of reference, as the issue of reference is only based on the information given only by the union. There was no functional integrity between the partner Sri P. Veeriah and the management of other three theatres. This Sreekrishna Talkies was not at all carrying on business from 3-4-1978 onwards. Sri P. Veeriah was the owner of the land and the building where the theatre by name Sreekrishna Talkies, Alleppey was run on partnership basis which, before its dissolution consisted of Sri P. Veeriah, Sri V. Thiruvenkatam, P. Veeralekshmi Ammal, V. Ramachandran,

B. Seethalekshmi Ammal and T. R. Rajesh Kumar. After getting the partnership dissolved Sri P. Veeriah got licence to exhibit films in Sreekrishna Talkies for a period commencing from 1-4-1978 to 31-3-1979. The grant of the licence was challenged by Sri V. Bhaskara Reddiar, one of the partners of the firm before its dissolution and the licence also was cancelled as a result of a litigation and the said Bhaskara Reddiar was given the licence. Though this order was cancelled by the Appellate Court, the owner could not exhibit films due to another injunction by the court initiated by the owner of the site and thus it remained, closed till now. Sri P. Veeriah adds that he is not the employer of the workers of Sreekrishna Talkies but the erstwhile partners of the firm. During the receivership Sri Bhaskara Reddiar was the employer. But as an interim arrangement, being one of the partners he agreed to give 75% of the wages to workers before the closure of the firm pending final settlement of their claims against the erstwhile partnerships and its partners. But the employees participated in the illegal strike and shouted ugly words and provocative slogans and so 75% of the such wages paid were stopped. Regarding the ownership of Sreekrishna Talkies, Sri S. Veeriah Reddiar or his legal heirs in their capacity as legal heirs has nothing to do with the business nor did the workers raise any such demand till the closure of the business.. The allegation that the work was suspended was incorrect and it was due to operation of law and due to dissolution of partnership, the business was stopped. Since he was only one of the partners he is liable only as one of the partners for claims and other emoluments. So he concludes with a prayer to have a finding that there was no suspension of work in the said theatres but it happened to be closed on account of the operation of law and for reasons beyond the control of the partners of the firm, and that there is no employer-emplyoee relationship between Sri P. Veeriah and the workmen of the erstwhile firm Sreekrishna Talkies, Alleppey.

The management 2 to 4 also filed their statements denying the claims of the union and state that the joint conference of the above four disputes is illegal. The conduct of the business was not done as successors and legal heirs of deceased S. Veeriah Reddiar but the ownership of Subhamma Talkies and Seematti Talkies vested in a partnership and Sri V. Ramachandran was the sole proprietor of Veeriah Talkies. It is incorrect to say that the workers were not in the know of the partnership and the character of ownership of the Talkies They alleged that the employees were disloyal and making pecuniary loss to the management. They were paid more remuneration comparing with the other theatres in the State of Kerala. The work-load of the employees were less when compare with other theatres run by other managements. The union have no justification to place a charter of demands on 1-7-1980 as there was an agreement between the management and the union after an indifinite strike started from 2-9-1979. The only dispute remaining was relating to the demand to raise the Batta of Booking-clerks for matinee shows. But the union raised fresh demands

ignoring the settlement in September, 1979. The present demands cannot be allowed. There was no lock-out and the matter of closure is not the subject matter of the reference at present. Even though the Government was aware of the closure at the time of the conference held on 19-9-1980, the Government did not make any reference regarding the legality of the closure considering all the circumstances of this case. The claims of the union are unsustainable and are liable to be rejected. The management closed their statement with a prayer to accept their pleedings.

The union again filed a rejoinder and reaffirmed their contentions raised by them in their claim statement while repudiating the allegations of the management in their written statements.

The union has produced Ext. W1 series 1 to 3 documents on their side and the management produced Ext. M1 to M6 (1 to 73) on their side. The union and the management has examined 6 and 2 witnesses respectively.

The first witness examined on the side of the union is Mr. D. Sughathan the union President himself. He speaks about the inadequate salaries paid to the employees of the four theatres and he says that when comparing to other theatres in Kerala their emoluments are very low. Regarding the contentions of the management that the managements are separate and not a single one, he speaks that in effect the management is one and according to him it was evident from the fact that the very same representative of the 4 theatres Mr. Jose participated in almost all the conciliation talks between the union and the management. They were not made to know about the so called partnership but they were made to understand that the management is one and the same. Regarding Sreekrishna Talkies the person who had offered them 75% of wages when the theatres was closed for renovation purpose, is the owner responsible to pay them the benefits and dues. The other witnesses examined on the side of the union were the District Labour Officer, Mr. Soman and the others were employees of the said theatres.

WW2 is the Operator of Subhamma Talkies who speaks about the salary and with regard to their duties and service conditions. According to him at present he is paid Rs. 215 as basic pay and Rs. 125 as D. A. There was no increase in the basic pay after 1977. He also deposes that one Radhakrishnan of Subhamma Talkies, working as Booking-clerk who is not a member of the union had been given an increase in basic pay by an amount of Rs. 50 and he got also an increase of Rs. 30 in his D. A. Rs. 3.50 as matinee batta is given to him but no other benefits such as E. S. I. and Provident Fund etc.

WW3 is the Operator of Sreekrishna Talkies and he says that he is getting Rs. 205 as basic pay and Rs. 80 as D. A., till the date of strike. He received 75% of the salary after the theatre was temporarily closed for the purpose of renovation.

WW4 is the Booking-clerk of Veeriah Talkies who speaks about his salary and the character of his duty in the theatre. He says that he was

getting Rs. 150 as basic pay and Rs. 115 as D. A. For work on festival days and extra one days wages had been paid. The bonus paid on the Onam in 1979 was 20% and an ex gratia of Rs. 100.

The fifth witness of the union is the District Labour Officer. He says that all these four theatres were considered as one for the purpose of conciliation proceedings. But in the cross-examination he admits that he was not the person directly dealt with the matter, officially.

The Seematti's Operator who was examined as WW6 deposed that his total salary was Rs. 395 (Basic pay Rs. 220 and D. A. Rs. 175). He gets Rs. 3.50 as matinee batta.

On the side of the management the manager of Santhi Theatres, Alleppey and the Manager of Abhilash Theatres, Kottayam were examined. Both these witnesses had spoken about the salaries of the employees with reference to wages registers produced as Ext. M1 to M5. According to Santhi Theatres, the manager says, with reference to Ext. M1 M5, that the Chief Operator gets a total amount of Rs. 355 per month and there is no employee getting below Rs. 280 except 2 persons. Matinee batta for operators is Rs. 3.50.

Issue No. 1.

Relief for unemployment of workmen consequent to suspension of work in Sreekrishna Talkies, Alleppey.

It is admitted by both the parties that there are some litigations regarding the running of the cenema theatres for some years. For some time Mr. Bhaskara Reddiar was running the exhibition of cenema, while for some period Mr. P. Veeriah and other partners were running the business. Eventhough it is the case of Sri P. Veeriah that he is only one of the partners and that he will not be held responsible for the claims put forward by the employees, it is to be noted that he was the person who was prepared to pay 75% of the salary when the theatre had to be closed for renovation purpose or as a result of the litigation. Bearing this fact in mind, he has got a case that he was paying on behalf of the partners with an intention to get it reimbursed from the other partners, he does not deny payments till the date of starting the strikes in other theatres. From that day onwards the payments, eventhough it was paid on humanitarian consideration was discontinued. It is to be noted that there was no demands against the management till the date of stopping this 75% wages. From the conduct of the owner of the building and equipments of the theatres it is to be presumed that he is the person responsible for payment of the full wages and other benefits due to the employees. It is not due to the fault of the workers that the theatres remained closed for some time. The civil litigation will decide the person legally entitled to run the exhibition of the films. But till that date Sri P. Veeriah has to pay the wages and other service benefits due to the employees in full till the date of starting the cenema again. He may get the amounts reimbursed from the other persons if the civil court decides another person as the

person entitled to conduct the business other than him. I do not want to go into the question whether the theatres was closed and its legal aspects as there is no reference with that regard.

Issue Nos: *2 to 5*

Revision of wages, Dearness, Allowance, Revision of Batta, Annual Increment and claim for double Batta for work on holidays.

From the evidence, from a comparison of the salaries given in other cenema theatres at Alleppey and Kottayam and from the circumstances of the case it can be seen that the employees of the theatres under this dispute deserve an enhancement in basic pay and D. A. From the deposition of the Manager of Santhi Theatres, Alleppey it can be gathered that the Chief Operator was paid a total of Rs. 355 in the year 1980-81 while the Operator in Sbhamma Talkies got only Rs. 340 as total emoluments (Basic pay Rs. 215 and D. A. Rs. 125). In the same way, the Booking-Clerk in the theatres gets only Rs. 150 as basic pay and Rs. 115 as D. A., thus a total of Rs. 265. Santhi Theatres paid a total of Rs. 326 and Rs. 293.50 even in the month of September, 1980 as shown by Ext. M4. Wages register. The management in this case is paying Rs. 3.50 as matinee batta while Santhi Theatres also paying Rs. 3.50 as such. Booking-Clerks and other employees get Rs. 2.50 as matinee batta. The Union's demand for annual increment to employees has also to be considered favourably in the light of the fact that similar Theatres at Alleppey viz., Santhi Theatres pay Rs. 12.50 as annual increment to Operators and Booking-clerks.

Thus considering all these aspects, oral and documentary evidence adduced by the parties in this regard I hereby direct the management to pay their employees as mentioned betow:—

Senior Operators:	Basic Pay Rs. 230 & D. A. Rs. 135
Second Operators:	Basic Pay Rs. 180 & D. A. Rs. 120
Senior Booking-Clerks:	Basic Pay Rs. 200 & D. A. Rs. 125
Other Booking-Clerks:	Basic Pay Rs. 180 & D. A. Rs. 120
Gate Keepers:	Basic Pay Rs. 150 & D. A. Rs. 120

At any rate an employee in these theatres should get a minimum of Rs. 270 per month.

Annual increment of Rs. 15 to operators, Rs. 12. 50 to Booking-Clerks and Rs. 10 to Gate Keepers for a period of 10 years should be given by the management, I direct so.

In the matter of double batta for work on holidays, as claimed by the Union, I do not find any justification in disallowing the same, since for the reason that the employees are made to work on holidays also and the management get more profit on holidays for cenema business. So it is only just and reasonable on my part to direct the management to pay them double batta for the work to be done on holidays and I do so. As far as the benefits through Employees' Insurance Scheme

and Provident Fund Scheme are concerned, the Union may take up the matter before the appropriate forum.

Issue No. 6

Regularisation of publicity workmen:

On the scrutiny of the evidence it can be seen that the publicity workers are entrusted their work on contract basis and so at present I do not find it necessary to make them regularised.

Issue No. 7

Bonus for the year 1979:

The claim for bonus at the rate of 20% in the year 1980 which had to be paid at the time Onam festival is also justifiable, since the management had already paid 20% Bonus in the previous years with an ex gratia of Rs. 100. So the management has to pay them bonus at the rate of 20% with an ex gratia of Rs. 100 as done in the previous years.

While disputing the claims of the Union the management has vehemently argued that they are not at all liable to pay any wages after declaration of their intention to close down the business and to retrench the workers. The legality of the reference also they have challenged. But since there is no reference regarding the issue of 'closure', whether it is valid or not, I do not think it proper on my part to interfere. So also regarding the legality of the strike of the employees. The reference was confined to the issues Nos. 1 to 7 as enumerated in the Government Order dated 4-10-1980. So the right to close down the business, the legality of the strike, the legal consequence of such steps by the management and the Union are matters to be dealt with separately when proper jurisdiction arises by means of reference or by other methods. The dissolution of partnerships, the fixing up of responsibility of payments of wages and benefits due to employees are also matters to be dealt with separately which I do not want to do in the light of specific issues referred. The person who would be legally bound to be liable to pay the salaries and benefits have to pay the same.

The revised salaries and other benefits would be deemed to be in effect from 1-7-1980, the date of demanding the same by the Union.

An award is passed accordingly and this award shall come into force on the expiry of 30 days from the date of its publication in the Government Gazette.

K. P. Devadas,
Industrial Tribunal,
Alleppey.

Alleppey,
30-6-1981.

G. A. 294/V

Appendix

Witnesses examined from the side of the Union.

WW1. Sri. D. Sugathan, President, Alleppey District Cinema Workers Union, Alleppey.

WW2. Sri K. Kumara Pillai, Operator, M/s. Subhamma Theatres, Alleppey.

WW3. Sri. A. Bhaskara Pillai, Operator, M/s. Sreekrishna Talkies, Alleppey.

WW4. Sri. T. S. Narayanan Nair, Booking-clerk M/s. Veeriah Talkies, Alleppey.

WW5. Sri M. K. Soman, District Labour Officer (Special), Alleppey.

WW6. Sri. M. C. Loanan, Operator, M/s. Seematti Talkies, Alleppey.

Documents marked from the side of the Union.

Exhibit W1 (series 1 to 3) File No. LR (2) of the District Labour Officer Alleppey.

Witnesses examined from the side of the Management:

MW1. Sri M. K. Oommen, Manager, M/s. Abhilash Theatres Kottayam.

MW2. Sri G. Ramachandran, Manager, M/s. Santhi Theatres, Alleppey.

Exhibits marked from the side of the Management:

Ext.M1. Wages register for the period from 1-1-1980 to 31-1-1981 of M/s. Abhilash Theatres, Kottayam.

Ext.M2. do. for the period from 1-12-1976 to 30-11-77 of M/s. Santhi Theatres, Alleppey.

Ext.M3. do. for the period from 1-12-1977 to 30-11-1978 of do.

Ext.M4. do. for the period from 1-12-1979 to 31-10-1980 of do.

Ext.M5. do. for the period from 1-12-1978 to 30-11-1979 of do.

Ext. M6 (series 1 to 73) One bundle of files.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1546/81/LBR. *Dated, Trivandrum, 22nd December 1981.*

The award of the Labour Court, Ernakulam in respect of the dispute between the President, Mattancherry Co-operative Society Ltd., No. 687, Chirattappalam, Fort Cochin, Cochin-1 and their workmen represented by (1) The General Secretary, Cochin City General Employees Union, Office Door No. 16/687, Thoppumpady, Cochin-5 and (2) Shri T. K. Purushan, s/o late Shri T. K. Kittan, residing at 10/1160, Puthenparambil House, Amaravathy, Cochin-1 (No. 2 impleaded) received by Government on 21-12-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

P. GOMATHY AMMA,
Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 9th day of December, 1981

Present:

SHRI N. SUKUMARAN, B.SC., B.L.,
Presiding Officer

In

INDUSTRIAL DISPUTE No. 257 OF 1979
(Old No. I. D. 91 OF 1978)

Between

The President, Mattancherry Co-operative Society Limited No. 687, Chirattappalam, Fort Cochin, Cochin-1

And

The workman of the above establishment represented by the General Secretary, Cochin City General Employees Union, Office Door No. 16/687, Thoppumpady, Cochin-5 and (2) Shri T. K. Purushan, s/o. late Shri T. K. Kittan, Residingat 10/1160, Puthenparambil House, Amaravathy, Cochin-1. No. 2 impleaded).

Representations:

Shri N. N. Sugunapalan, Advocate, Ernakulam : For *Management*

Shri Mathews P. Mathew, Advocate, Ernakulam : For *Workman*

G, A. 301/V.

AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 1117/78/L&H dated 14-7-1978 is "Justifiability or otherwise of the termination of service of Shri T. K. Purushan". Though the issue is thus worded the termination admittedly was by a dismissal inflicted as a punishment after a domestic enquiry. The validity of the domestic enquiry was tried by me as a preliminary issue. I found on that aspect as per my order dated 9-11-1981 that there was a proper and valid domestic enquiry. I found further there that the findings of guilt rendered by the Enquiry Officer are correct. Facts necessary for disposal of the case have been narrated in that order which I shall here extract in full.

"ORDER

The issue referred for adjudication by Government is "Justifiability or otherwise of the termination of Shri T. K. Purushan". But it is common case that Shri Purushan was dismissed after a domestic enquiry by the Co-operative Society where he was working. The dispute was raissed by a Union. But Shri Purushan got himself impleaded as a party to this proceedings and the case is prosecuted by him.

2. Disciplinary proceedings were initiated by the Society against Shri Purushan alleging that he on 23-7-1976 at 7. 10 p. m. behaved in an unbecoming manner towards the then President at the office of the Society. The workman pleaded innocence to the show cause notice. The explanation did not find favour with the Management. A domestic enquiry was ordered. An Advocate appointed as the Enquiry Officer conducted the enquiry. He found him guilty. The findings were accepted by the Management and the punishment of reversion awarded. The workman did not join the post to which he was reverted. Finally he was dismissed.

3. The workman in his claim statement pleads innocence of the charges. He further states that there was no proper and valid enquiry into the charges against him. His request for the assistance of one Shri Chandran at the enquiry was turned down by the Enquiry Officer. Shri Bava who acted as the worker at the enquiry had some inconvenience to continue to participate in the enquiry on 21-11-1976. So an adjournment of the enquiry was sought for. The Enquiry Officer refused to grant that request and proceeded with the enquiry in the absence of the workman and Shri Bava. He was thus denied legitimate opportunities to defend himself and establish his innocence. The action of the Management was motivated by an idea to victimise him. The dismissal is unsustainable. Reinstatement with all benefits is to be ordered

4. The Management society in its written statement contends that the workman was found guilty of grave charges in a properly conducted domestic enquiry. Inspite of the seriousness of the misconduct a lenient view in the matter of punishment was taken and a reversion alone ordered. The workman did not take up the new post and that necessitated his

dismissal. There was no idea to victimise the workman. The Society acted in all bonafides and the punishment is not liable to be interfered with.

5. In view of the rival contentions regarding the validity of the domestic enquiry it became necessary to try that question as a preliminary issue. The Advocate Enquiry Officer was examined as MW1. He has proved the file containing the enquiry papers as Ext. M1.

6. Certain lacts are admitted. They are the following :—

Shri Purushan, the workman involved, met the then President of the Society in the office of the Society at about 7 p. m. on 23-7-1976. Then there was some conversation between the two and the next day Shri Purushan was placed under suspension. He was also issued a memo alleging that he had misbehaved towards the President on the previous day. Shri Purushan submitted his explanation on 28-7-1976 denying the allegations. A proper charge was framed on 11-9-1976 to which also explanations were submitted on 14-9-1976. MW1 was appointed on 16-9-1976 to conduct an enquiry. Shri Purushan had notice of appointment of MW1 as the Enquiry Officer. He did not raise any complaint regarding the personnel.

7. MW1 issued notices to the parties fixing the first date of the enquiry to 25-9-1976. The workman entered appearance. He was served with all the copies of the documents relied on by the Management. The enquiry was adjourned to 30th of September 1976. The case was adjourned from time to time and various requests made by the workman for adjournment were granted by the Enquiry Officer inspite of the fact that the witnesses for the Society were present. In the meanwhile the workman had raised an objection that Shri Madhavan, the Vice President who was acting as the presenting officer, cannot be examined as a witness. That objection was upheld by the Enquiry Officer. The workman requested that Shri P.K. Chandran, a trade unionist, may be permitted to assist him at the enquiry. This was objected to by the Management. The matter was heard on 31-10-1976 and the objection was upheld. But at the same time the Enquiry Officer gave another opportunity to Shri Purushan to have the assistance of another person. On 3-11-1976, the next adjourned date, the workman wanted the assistance of Shri M. Bava. The Society objected to that request also. But that objection was over-ruled and Shri Bava was permitted to assist the workman at the enquiry. This was on 8-11-1976 and the enquiry was adjourned to 12-11-1976. On 12-11-1976 the first witness for the Management was examined in chief. An adjournment for cross-examination of the witness moved by Shri Purushan was allowed and the case came up for that purpose on 13-11-1976. On 13-11-1976 also Shri Purushan applied for time. That too was granted. The case came up next on 21-11-1976. All the witnesses for the Society were present on that day. Shri Purushan was informed earlier by the Enquiry Officer that

no further time will be granted. On 21-11-1976 Shri Purushan cross-examined the first witness. The 2nd witness was examined in chief. Then Shri Purushan sought for an adjournment stating that Shri Bava has to go elsewhere. The Enquiry Officer did not grant this request. So Shri Purushan withdraw from the enquiry. The rest of the proceedings were ex-parte.

8. The first complaint is that there was no justification for refusing permission to have the assistance of Shri Chandran, a trade unionist, at the enquiry. It is well settled that the assistance of a lawyer or a trade unionist cannot be had as a matter of right in domestic enquiries. This is not a case where complicated facts are involved. Shri Purushan is not an illiterate employee. In such circumstances the refusal to have the assistance of Shri Chandran cannot be treated as anything amounting to the denial of a legitimate right. It is also the admitted case that Shri Purushan himself had submitted to the order refusing the assistance of Shri Chandran. He wanted Shri Bava's assistance instead which was also objected to by the Management. But that objection was over-ruled. Eventhough Shri Bava was present Shri Purushan himself admittedly was prosecuting his case. He had cross-examined PW1. So it is evident that Shri Purushan is capable of defending himself.

9. The second complaint is that the request for adjournment on 21-11-1976 should have been allowed. It is the admitted case that all previous adjournments requested were granted by the Enquiry Officer. The reason suggested for the adjournment on 21-11-1976 was that Shri Bava had to go elsewhere. This did not appear as a compelling reason for an adjournment to the Enquiry Officer. It is stated by the Enquiry Officer that the absence of Shri Bava would not have prejudiced Shri Purushan in any way as Shri Purushan himself was conducting the cross-examination and Shri Bava was only noting down the depositions of the witnesses. Shri Purushan was told early enough that no further adjournment will be granted from 21-11-76 and all the witnesses were present. It is not even alleged that Shri Purushan had any inconvenience in continuing to attend the enquiry. No convincing reasons were stated as to why Shri Bava should be away. In these state of affairs the conclusion of the Enquiry Officer that an adjournment was sought for without sufficient reason is justifiable. So Shri Purushan has to thank himself for adopting the course of withdrawal from the enquiry. The Enquiry Officer or the Management cannot be blamed for the situation created by Sari Purushan. The enquiry in the circumstances was held ex-parte on proper reasons.

10. Yet another complaint is that the Secretary of the Society, a competent witness, was not examined. But it is for the complainant or the prosecution to choose its witnesses. The question as to whether there is sufficient evidence is a different matter. The failure to examine any particular witness cannot be treated as a circumstance vitiating the enquiry in form and procedure.

11. The main complaint is that the evidence available is insufficient to support the conclusions of the Enquiry Officer. As many as five witnesses were examined on the side of the Management at the enquiry. The first witness is the President who is the de facto complainant. He swears in support of his written complaint filed before the Society on 23-7-1976 itself. What is stated by him is that Shri Purushan approached him in the office at 7.10 p.m. and asked why he had told the members of the Society that himself (Purushan) and the Secretary were responsible for attachment proceedings against the members and challenged the President to come out and face serious consequences of the same. The Vice President Shri Madhavan and Shri Manoharan a member of the Society, came to the office at that time. Shri Purushan repeated the challenges and refused to go away inspite of the requests made by himself and Shri Madhavan to do so. He even stated that Shri Madhavan and the President were under the influence of liquor. So sayings Shri Purushan went out of the office. When he (the witness) came out of the office after some time along with Sarvasree Madhavan and Manoharan. Shri Purushan, who was outside, repeated the challenges and the allegation that the President and the Vice President were under the influence of drinks. Sarvasree P. V. Madhavan, C. V. Madhavan and Vijayan, who were outside the office, interfered and prevented further unpleasant developments. Nothing has been brought out in the cross-examination of this witness from which it could be said that what is stated is not true. It is true that there is no corroboration of the earlier part of his statement. But it is admitted by Shri Purushan in his explanations that he had approached the President at the relevant time to clarify certain misunderstandings. The latter part of the evidence of the President finds corroboration in the testimony of the 2nd witness Shri Manoharan. Sarvasree P. V. Madhavan, Vijayan and C. V. Madhavan examined as witness Nos. 3, 4 and 5 respectively corroborates the evidence of witness Nos. 1 and 2 regarding the developments that took place outside the office.

12. Though victimisation is attributed to the Management it is not even elaborated as to how and why the Society had any special reason to get rid of Shri Purushan. The admitted fact indicates that Shri Purushan had approached the President in his office to impress upon the President that he has some misunderstanding regarding Purushan's conduct. The President says that Shri Purushan behaved in an unruly manner threatening him with severe consequences. The testimony of the other witnesses indicate that what the President says is the real state of affairs. In the circumstances the only reasonable conclusion that could be drawn is that the allegations against Shri Purushan are true. The findings of the Enquiry Officer are therefore correct. They call for no interference.

13. In the result it is hereby found that there was a proper and valid domestic enquiry. It is further found that the findings of the Enquiry Officer are correct."

II. Both sides were heard on the question of reliefs, if any, that could be given to the workman in the matter of punishment as envisaged by Sec. 11-A of the Industrial Disputes Act. The gist of the offence proved is misbehaviour to the President and the Vice President. It is not alleged that the antecedents of the employee are in any way bad. In other words he is a first offender. In these state of affairs the extreme penalty of dismissal is too harsh to be sustained. The misconduct at the same time cannot be lightly viewed as the employee is seen to have abused the President and the Vice President and raised false allegations against them. In these state of affairs some substantial punishment in proportion to the gravity of the misconduct has to be given. It appears to me that the employee will have to forfeit all his past service as a punishment for the misconduct. The Management will reinstate the employee to the same post from which he was dismissed as a fresh recruit as on the date on which the award comes into force without benefit of the past service. However he will be allowed to have his pay fixed at the stage of the scale drawn by him at the time of the dismissal. An award is passed directing reinstatement of the workman as indicated above.

III. This award shall come into force on the expiry of thirty days from the date of its publication in the Government Gazette.

Ernakulam,
9-12-1981.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witness examined on the Management's side :

MW1 Shri Sivasankaran.

Exhibits marked on the Management's side :

Ext. M1. The file relating to the domestic enquiry.
,, M1(a). Report of the Enquiry Officer dated 14-1-1977.
(in Ext. M1 file).

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1369/81/LBR. *Dated, Trivandrum, 6th November* 1981.

The award of the Labour Court, Ernakulam in respect of the dispute between Shri C. J. Sebastian, Partner, Matha Bricks, Marathakara, Ollur, Trichur District and the workmen of the above concern represented by Shri K. V. K. Panicker, General Secretary, Trichur District National Tile Workers Union, Trichur received by Government on 2-11-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
Deputy Secretary.

In the Labour Court, Ernakulam

(Dated this the 21st day of October, 1981)

Present :

SHRI N. SUKUMARAN, B.Sc., B.L.,
Presiding Officer

In

INDUSTRIAL DISPUTE No. 357 of 1979

Between :

Shri C. J. Sebastian, Partner, Matha Bricks, Marathakara, Ollur, Trichur District

And

The workmen of the above concern represented by Shri K. V. K. Panicker, General Secretary, Trichur District National Tile Workers Union, Trichur.

AWARD

Denial of employment to 16 workmen by the concern, Matha Bricks, Ollur, Trichur, is the issue referred for adjudication by Government as per G.O. (Rt.) No. 1740/79/L&SW dated 6-12-1979. Rival contentions have been raised by the parties in their pleadings and the matter was coming up for evidence at which stage the parties have filed a settlement in the following terms:—

(1) "ശ്രീ. ടി. സി. ദേവസ്സി, S/O തൊകലൻ ചാക്കുണ്ണി, (2) പുല്ലോക്കാരൻ ചാക്കുണ്ണി ഭാര്യ റോസി (3) കല്ലൂക്കാരൻ വാറു മകൾ ലില്ലി (4) തടവത്തു പറമ്പിൽ ഗോവിന്ദപിള്ള മകൾ ശാന്ത എന്നിവരെ സർവ്വീസിനു കോട്ടം തട്ടാതെ ജോലിക്കു പ്രവേശിപ്പിക്കുന്നതിന് മാനേജുമെൻറു സമ്മതിച്ചു.

(2) ഒന്നാം ഖണ്ഡികയിൽ പറയുന്നവർക്ക് അവർ ജോലിയിൽ ഇല്ലായിരുന്ന 8-1-1979 മുതൽ ഈ ഒത്തുതീർപ്പനുസരിച്ച് ജോലിയിൽ പ്രവേശിക്കുന്ന 1-11-1981 വരെയുള്ള കാലം സർവ്വീസ് ബ്രേക്കായി കണക്കാക്കുന്നതല്ല. എന്നാൽ ടി കാലത്തേക്ക് ഓരോ തൊഴിലാളിക്കും 300 ക. (മുന്നൂറ്) വീതം നൽകുന്നതും ആയത് സ്വീകരിച്ച് അവർ പ്രസ്തുത കാലത്തെ വേതനം അവകാശപ്പെടുന്നതല്ലാത്തതും ആകുന്നു.

(3) മാനേജുമെൻറിന് ഒമ്പതു തൊഴിലാളികളെമാത്രം നിയമിച്ച് ജോലി ചെയ്യിക്കാനുള്ള ഫാക്ടറീസ് ലൈസൻസ് മാത്രമാണുള്ളത് എന്നതുകൊണ്ട് താൽക്കാലിക തൊഴിലാളികളിൽ താഴെ പറയുന്നവരെ സ്ഥിരം ജോലിക്കാരായി അംഗീകരിച്ച് ജോലിയിൽ എടുക്കുന്നതിന് മാനേജുമെൻറ് സമ്മതിച്ചു.

(1) മണപ്പാട്ടിൽ വേലായുധൻ ഭാര്യ കാളിക്കുട്ടി.
(2) ചെറുശ്ശേരിപ്പോയി സലോമി.
(3) പള്ളിശ്ശേരി യോഹന്നാൻ ഭാര്യ ത്രേസ്യ.
(4) വാഴപ്പിള്ളി അന്തോണി ഔസേഫ്.

(4) മേൽപ്പറഞ്ഞ മൂന്നാം ഖണ്ഡികയിൽ പറഞ്ഞിട്ടുള്ളവർക്ക് 1-1-1979 മുതൽ സർവ്വീസ് കണക്കാക്കുന്നതും ജോലിയില്ലാതിരുന്നകാലത്തേക്ക് ഓരോരുത്തർക്കും 300 ക. (മുന്നൂറ്) വീതം നൽകുന്നതുമായിരിക്കും. എന്നാൽ ജോലിയില്ലാതിരുന്നകാലം സർവ്വീസ് ആയി കണക്കാക്കുന്നതും എന്നാൽ ജോലിയില്ലാതിരുന്ന കാലത്തേക്കുകൂലിക്ക് അർഹത ഇല്ലാത്തതും ആയി ഉഭയ കക്ഷികളും സമ്മതിച്ചു.

(5) മാനേജുമെൻറിൻെറ കീഴിൽ കാഷ്വൽ തൊഴിലാളികളായിരുന്ന താഴെ പറയുന്നവർക്ക് ജോലി ചെയ്തിരുന്ന കാലത്ത് കൊടുക്കേണ്ടിയിരുന്നതും കൊടുക്കേണ്ടതും ആയ കൂലി വ്യവസ്ഥ കണക്കിലെടുത്ത് ഓരോരുത്തർക്കും അവരവരുടെ പേരിനു നേരെ ചേർത്തിട്ടുള്ള സംഖ്യ നൽകുന്നതിന് മാനേജുമെൻറ് സമ്മതിച്ചു. അവർക്ക് കൂടുതലായി, ഒന്നും തേർച്ചപ്പെടുവാൻ അവകാശം ഉണ്ടായിരിക്കുന്നതല്ലെന്ന് സമ്മതിച്ചിരിക്കുന്നു.

		ക.	പ.
1.	എം എ. വർക്കി	250	00
2.	മത്തായി റോസിലി	400	00
3.	കമ്മനംചേരി കൊച്ചപ്പൻ മകൾ കൊച്ചുമേരി	350	00
4.	എം. വി. ഓമന	350	00
5.	കോക്കാടൻ പൈലി ഭാര്യ മേരി	350	00
6.	ചിരസൻ അമ്മിണി	350	00
7.	പി. ആർ. മേരി	350	00
8.	എൻ. ശിവരാമൻ	500	00
	ആകെ	2900	00

(6) മേൽപ്പറഞ്ഞ വ്യവസ്ഥകളനുസരിച്ചുള്ള ,,സംഖ്യ 1-11-1981-ന് മുമ്പ് നൽകുന്നതിന് മാനേജുമെൻറ് സമ്മതിച്ചു.

(7) ജോലിക്ക് തിരിയെ പ്രവേശിക്കുന്നവർക്ക് 1-11-1981 മുതൽ ജോലി നൽകുന്നതും മിനിമം വേജസ് അനുസരിച്ചുള്ള കൂലി നൽകുന്നതിനും ഉടമ സമ്മതിച്ചു.

(8) മേൽപ്പറഞ്ഞ ഒത്തുതീർപ്പുവ്യവസ്ഥകൾ ഉഭയകക്ഷികളും സ്വീകരിച്ചു. ഇതിന്റെ അടിസ്ഥാനത്തിൽ P.W.A. 107/79, M.C.P. 4/80 കേസ്സുകൾ പിൻവലിക്കാനും I.D. 357/79-ൽ ഒത്തുതീർപ്പനുസരിച്ച് അവാർഡിനായി അപേക്ഷിക്കുവാനും ഉഭയകക്ഷികളും സമ്മതിച്ചു''.

Both sides have requested for passing an award in terms of the settlement. An award is, therefore, passed in the above terms.

(Camp) Trichur,
21-10-1981.

N. Sukumaran,
Presiding Officer.

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GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1520/81/LBR. *Dated, Trivandrum, 14th December* 1981.

The award of the Labour Court, Ernakulam in respect of the dispute between the Management of the Thiruthippuram Service Co-operative Society Limited No. 1739, Thiruthippuram P.O., via Cranganore and the workman of the above concern Shri P. L. Antony, Padamadan, Thiruthippuram P. O., via Cranganore received by Government on 10-12-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. Gomathy Amma,
Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 1st day of December, 1981

Present :

Shri N. SUKUMARAN, B.SC., B.L.,
Presiding Officer

In

INDUSTRIAL DISPUTE No. 49 of 1980

Between

The Thiruthippuram Service Co-operative Society Limited No. 1739, Thiruthippuram P. O., via Cranganore

And

The workman of the above concern Shri P.L. Antony, Padamadan, Thiruthippuram P.O., via Cranganore

Representations :—

Shri P.K. Behanan, Advocate, Ernakulam. — For *Management*

Shri A. V. Xavier, Advocate, Ernakulam. — For *Workman*

AWARD

Dismissal of Shri P. L. Antony, an employee of a Co-operative Society, is the is ue referred for adjudication by Government as per G.O. (Rt.) No. 691/80/LBR dated 20-5-1980.

2. The dismissal was after a domestic enquiry. The Management is defending its action by saying that Shri Antony was found guilty of grave acts of misconduct meriting the order of dismissal. Shri Antony on the other hand attacks the dismissal on various grounds. It is complained that there was no proper or valid domestic enquiry. It is also said that there are no justifiable reasons for his dismissal. Reinstatement is claimed by him. All attendant benefits are also sought for.

3. The case is pending trial on the preliminary issue as to whether there is a valid domestic enquiry. At this stage the parties have settled the dispute out of court and a compromise detailing the terms of the settlement signed by both sides and their advocates is filed. It is requested that an award may be passed in terms of the settlement. Therefore an award is passed in terms of the settlement which is appended as an "Annexure".

Ernakulam,
1-12-1981.

N. SUKUMARAN,
Presiding Officer.

ANNEXURE

Before the Labour Court, Ernakulam I.D. 49/80

തിരുത്തിപ്പുറം സർവ്വീസ്
സഹകരണസംഘം
നമ്പർ 1789, തിരുത്തിപ്പുറം.
മാനേജ്മെൻറ്/
എതിർകക്ഷി

V/s

പി. എൽ ആൻെറണി,
പടമാടൻ, തിരുത്തിപ്പുറം.
ജീവനക്കാരൻ/
ഹർജിക്കാരൻ.

വാദിപ്രതികൾ ചേർന്നു സമർപ്പിക്കുന്ന രാജിഹർജി

മേൽ നമ്പർ കേസിൽ വാദി ജീവനക്കാരനും എതിർകക്ഷി മാനേജ്മെൻറു സൊസൈററിയും തമ്മിൽ ആലോചിച്ചു സംസാരിച്ചു ടി കേസ് രാജിയായി തീരുന്നതിന് ഇരുകൂട്ടരും സമ്മതിക്കുകയും, അതിൻെറ വെളിച്ചത്തിൽ താഴെ പറയുന്ന വ്യവസ്ഥകൾ ഇരുകൂട്ടരും അംഗീകരിക്കുകയും, അതിൻെറ അടിസ്ഥാനത്തിൽ എതിർകക്ഷി മാനേജ്മെൻറ് സൊസൈററിയുടെ 29-11-1981-ൽ കൂടിയ കമ്മററിയുടെ 15/81-ാം നമ്പർ തീരുമാനപ്രകാരം എടുത്തിട്ടുള്ള വ്യവസ്ഥകൾ താഴെ ചേർക്കുന്നു.

"എൻക്വയറി കമ്മീഷൻ റിപ്പോർട്ടനുസരിച്ച് ശ്രീ. പി. എൽ. ആൻെറണി കുററക്കാരനാണെന്നു കണ്ടതിനാൽ 28-2-1979-ലെ സംഘം കമ്മററിയുടെ 8-ാം നമ്പർ തീരുമാനപ്രകാരം അദ്ദേഹത്തെ സംഘം സർവ്വീസിൽനിന്ന് നീക്കം ചെയ്തെങ്കിലും അതിനെപ്പററി ഒരു പുനർചിന്തനം നടത്തേണ്ടതാണെന്നു തീരുമാനിക്കുകയും ശ്രീ. പി. എൽ. ആൻെറണി സംഘത്തിൽ 16-11-1981-ൽ സംഘത്തിൽ സമർപ്പിച്ച അപേക്ഷ പരിഗണിച്ചും, ടിയാൻ സംഘത്തിനുവേണ്ടി

ആദ്യകാലങ്ങളിൽ ചെയ്ത സേവനത്തെ കണക്കിലെടുത്തും മാനുഷിക മൂല്യങ്ങൾക്ക് വില കൽപ്പിച്ചും ടിയാന്റെ പ്രായത്തേയും സാമ്പത്തിക സ്ഥിതിയേയും കണക്കിലെടുത്തും സംഘത്തിൽ ഒരു ജൂനിയർ ക്ലാർക്കിന്റെ കൂടി ആവശ്യം ഉള്ളതുകൊണ്ടും സംഘത്തിന്റെ 52-ാമത് വാർഷിക പൊതുയോഗം ശ്രീ. പി. എൽ. ആന്റണിയുടെ കേസ് ഒത്തുതീർപ്പിലെത്തിക്കുന്നതിന് തീരുമാനിച്ചതുകൊണ്ടും പൊതുയോഗം അതിന്നായി തെരഞ്ഞെടുത്ത സബ് കമ്മിററി തീരുമാന പ്രകാരവും താഴെപ്പറയുന്ന വ്യവസ്ഥകൾക്കനുസരിച്ച് മുൻ സർവ്വീസൊന്നും കൂടാതെ ടി ആന്റണിയെ സംഘത്തിൽ ഒരു ജൂനിയർ ക്ലാർക്കായി നിയമിക്കുവാൻ തീരുമാനിച്ചു".

ഇപ്രകാരമുള്ള നിയമനം ഈ രാജിഹർജി കോടതി പരിഗണിച്ച് വിധിയുണ്ടാകുന്നതിന്റെ തൊട്ടടുത്ത പ്രവർത്തി ദിവസം തന്നെ നടത്തേണ്ടതാണെന്ന് ഇരുവിഭാഗവും സമ്മതിക്കുന്നു.

വ്യവസ്ഥകൾ

1. മാനേജ്മെന്റു സൊസൈററിയുടെ തീരുമാനം സ്വീകരിച്ച് ഒരു ജൂനിയർ മോസ്റ്റ് ജൂനിയർ ക്ലാർക്കായി ഇരുന്നുകൊള്ളാമെന്നും യാതൊരു കാരണവശാലും ഇപ്പോൾ സൊസൈററിയിലുള്ള ക്ലാർക്കുമാരുടെ സീനിയോറിററിയെ ബാധിക്കത്തക്ക യാതൊരു ഡിമാന്റും ഉന്നയിക്കുകയില്ലെന്നും ജോലിയിൽ നിന്നും ഒഴിവാക്കി നിറുത്തിയിരുന്ന കാലത്തെ വേതനത്തെ സംബന്ധിച്ചോ മുൻ ഉദ്യോഗത്തെ സംബന്ധിച്ചോ മററ് ആനുകൂല്യങ്ങളെ സംബന്ധിച്ചോ അവകാശം ഉന്നയിക്കുകയില്ലെന്നും അങ്ങനെയുള്ള അവകാശങ്ങൾക്ക് എനിക്ക് അർഹതയില്ലെന്നും മുൻകാല സർവ്വീസ് റിട്ടയർമെന്റ് ആനുകൂല്യങ്ങൾക്കല്ലാതെ മററ് യാതൊരു കാര്യത്തിനും കണക്കാക്കുവാൻ ആവശ്യപ്പെടുകയില്ലെന്നും ആന്റണി സമ്മതിച്ചിരിക്കുന്നു.

2. ഈ സെററിൽമെന്റ് സംബന്ധിച്ച് 1-12-1981-ൽ ഞാൻ സൊസൈററിക്ക് എഴുതിക്കൊടുത്തിട്ടുള്ള ബോണ്ടുകളിലെ വ്യവസ്ഥകൾ പൂർണ്ണമായി നിറവേററിക്കൊള്ളാമെന്ന് സമ്മതിച്ചിരിക്കുന്നു.

3. മുൻകാല സർവ്വീസ്, റിട്ടയർമെന്റ് ബെനിഫിററിനല്ലാതെ മററു യാതൊരു കാര്യത്തിനും പരിഗണിക്കുകയില്ലെന്നും മേൽപ്പറഞ്ഞ വ്യവസ്ഥകളുടെ അടിസ്ഥാനത്തിലും 2-12-1981 മുതൽ സംഘത്തിലെ ഒരു ജൂനിയർ ക്ലാർക്കായി നിയമിക്കുന്നതിന് മാനേജ്മെന്റ് സൊസൈററി സമ്മതിച്ചിരിക്കുന്നു.

മേൽപ്പറഞ്ഞ വ്യവസ്ഥകൾ പ്രകാരം ഇരുഭാഗം കക്ഷികൾ തമ്മിൽ തർക്കം പറഞ്ഞുതീർത്ത് ഒത്തുതീർപ്പായതിന്റെ അടിസ്ഥാനത്തിൽ ടി വ്യവസ്ഥകൾ അനുസരിച്ച് ഒരു അവാർഡു ഉണ്ടാക്കുന്നതിന് അപേക്ഷിച്ചുകൊള്ളുന്നു.

എന്ന് 1981 ഡിസംബർ 1-ാം തീയതി

1. സെക്രട്ടറി, മാനേജ്മെന്റ് സൊസൈററി (Sd.)
2. അഡ്വക്കേററ് (Sd.)
3. തൊഴിലാളി (Sd.)
4. അഡ്വക്കേററ് (Sd.)

മേൽ പ്രസ്താവിച്ച കാര്യങ്ങൾ സത്യമായിട്ടുള്ളതാകുന്നു.

സെക്രട്ടറി മാനേജ്മെന്റ് സൊസൈററി (Sd.)
തൊഴിലാളി (Sd.)

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 1464/81/LBR. *Dated, Trivandrum, 25th November* 1981.

The award of the Labour Court, Ernakulam in respect of the disputes between Shri D. V. Namboodiripad, B. A., Managing Partner, Kakkumvally Estate, Office 'L' Indira Buildings, Jail Road, Calicut 673002 and the workman of the above concern Shri K. Balakrishna Menon Kozhipurath House, Bhajenakovil Lane, Chalapuram, Calicut 673002 received by Government on 23-11-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. Gomathy Amma,
Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 18th day of November 1981

Present:

Shri N. SUKUMARAN, B. SC., B.L.,
Presiding Officer

In

INDUSTRIAL DISPUTE No. 111 of 1980
(Old No. I.D.55 of 1978)

Between:

Shri D. V. Namboodiripad, B. A. Managing Partner,
Kakkumvally Estate, Office 'L' Indira Buildings,
Jail Road, Calicut 673002

And

The workman of the above concern Shri K. Balakrishna Menon,
Kozhipurath House, Bhajenakovil Lane,
Chalapuram, Calicut 673002.

Representations:-

M/s. Menon & Menon, Advocates, Cochin—16 — For *Management.*

M/s. M. Ramachandran & K. R. B. Kaimal, Advocates, Cochin—17 — For *Workman.*

GA. 280/S

AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 944/78/L&H dated 1-6-1978 is "Termination of Services of Shri K. Balakrishna Menon from 30-9-1977." The reference was made to the Labour Court, Calicut. There the case was registered as I.D. 55 of 1978. Later it was transferred to this Court by Government as per G. O. Rt. 1440/80/LBR dated 10-10-1980.

There is no Union espousing the cause of the workman. The workman in his claim statement alleges that he was employed by Shri D. V. Namboodirippad in connection with the management of three Estates controlled by him at the controlling office at the Indira Buildings, Calicut from 1-6-1969 to 30-9-1977 continuously and that his services were terminated without any valid reasons with effect from the latter date as per a notice dated 4-8-1977. Reinstatement with all benefits is what is claimed.

3. Shri D. V. Namboodiripad in his written statement contends that Shri Balakrishna Menon was never employed in connection with the duties concerning the Estates owned or managed by him and that he was only a personal employee entrusted with errand works. There is no industry intervening in relation to his appointment and therefore there cannot be any industrial dispute as that term is defined in the Industrial Disputes Act. Shri Balakrishna Menon is also not a workman as per the Industrial Disputes Act. Shri Balakrishna Menon himself had resorted to the remedy available under the Kerala Shops and Commercial Establishments Act by preferring an appeal and therefore the reference itself is bad. There is no liability for reinstatement. His services were terminated as necessity to retain a personal employee was no more available.

4. The above contentions are denied in the rejoinder filed by Shri Balakrishna Menon. It is asserted that his services were really utilised in connection with the management of Rubber Estates and that therefore there is an employer and workman relationship as per the Industrial Disputes Act. The allegation that there was a Shop Appeal is admitted. But it is said that the Shop Appeal is not being pressed in view of this reference.

5. Shri Balakrishna Menon had given evidence as WW1. The oral evidence is limited to his testimony. The documents available are Exts. W1 to W8 and M1 to M9. They are proved and admitted by WW1. The contention that the reference is not maintainable was not pressed before me.

6. There are certain admitted facts. They are the following:-

Shri Namboodiripad is managing three rubber estates. He is the sole Propreitor of D. N. V. Estate and the Managing Partner of Kakkumvally Estate. A. K. T. K. M. Chokkad Estate belonging to his mother is being managed by him as a power of attorney holder. Shri Namboodiripad is residing in Calicut and the Estates are in Malappuram District Shri Namoodiripad is actively participating in various social organisations and he had been holding responsible offices in such organisations.

Ext. M1. to M7 personal files relate to his activities in such organisations. The contention is that Shri Balakrishna Menon was never employed to attend to the work connected with the Estates and that he was only employed to look after the other personal affairs of Shri Namboodiripad.

7. Shri Balakrishna Menon has given evidence as WW1 that he was preparing monthly statements and annual statements concerning the three Estates and forwarding them regularly to the Provident Fund Commissioner and the Rubber Board. Exts. W1, W2 and W3 files are provident fund returns received by the Provident Fund Commissioner for various periods and they are concerning the three Estates managed by Shri Namboodiripad. Exts. W4 to W8 are such returns received by the Rubber Board. The documents were produced on summons by the concerned Officers. The claim of WW1 that all those returns have been prepared and sent by him is not challenged now. It is admitted that all those returns have been prepared in the handwriting of WW1.

8. It was specifically pleaded in the claim statement that Shri Balakrishna Menon was attending to the preparation and forwarding of statements relating to the three estates to the Provident Fund Commissioner and the Rubber Board. This claim is answered in para 4 of the written statement as follows:—

> "Shri Balakrishna Menon was never engaged for the preparation of provident fund returns, Rubber Board returns or agricultural income-tax matters in connection with the Estates. He does not have the competence to do that."

In another context in the same para it is stated "Preparation of Provident Fund returns normally takes less than 2 days in a month for which purpose no one other than the estate clerks are employed. The said work is done at the estates and not at this respondent's personal office in Indira Buildings." It was on the face of this bold contention that the workman had to undertake the trouble of summoning Exts. W1 to W8 to establish that the contentions are raised without any bona fides. Now it is freely conceded by the Management that Shri Balakrishna Menon was doing the work in connection with the estate in so far as it relates to the preparation and despatch of statements like Exts. W1 to W8. It is frankly admitted by WW1 that he was doing whatever work assigned to him by Shri Namboodiripad and that under orders he was attending to works connected with the Lions Club movement, Chinmaya Movement and other various social activities of Shri Namboodiripad. He had also admitted that he had been maintaining Exts. M1 to M9 files. When cross-examined he had stated that the preliminary accounts are maintained in the respective estates and weekly statements forwarded to the office at Calicut and that monthly statements are also received by 4th or 5th of every month for the preceding month and the returns due to the Provident Fund Commissioner are despatched before the 15th and those due to the Rubber Board before the 20th. Based on this admission of WW1 it is argued by the learned counsel appearing on behalf of the Management that the work attended to by Shri Balakrishna

Menon is not in his capacity as an employee of any of the Estates but only doing something which Shri Namboodiripad in his capacity as the Proprietor or Manager or the Managing Partner should have done and therefore he cannot be treated as a workman employed in the industry. Reliance is also placed on the testimony of WW1 that his name will not be entered in any of the rolls of any of the Estates and that he was not governed by any of the settlements concerning the staff and the workmen of the Estates. It is also argued that very little time is required for preparation of the statements like Exts. W1 to W8 and that more time is required for maintenance of personal files like Exts. M1 to M9 and therefore the proportionate work, if at all any, concerning the industry is negligible and hence he cannot be a workman. But such contentions have not been raised in the written statement. The workman was not told in advance by specific contentions that such arguments regarding the relative volume of work concerning the industry and the personal matter are likely to be advanced. If such a specific contention had been raised then the workman would have adduced evidence regarding the exact volume of work turned out in connection with the industry. In the absence of such plea it is not fair to permit an argument like this at the fag end of the case. The main contention that the workman had never been employed in connection with the industry has been proved to be false. He had been doing work in connection with the industry. It can be seen from Exts. W1 to W8 that voluminous returns had been sent every month continuously from 1971 onwards in the handwriting of Shri Balakrishna Menon. It is the admitted case that Shri Namboodiripad has an office in Indira buildings at Calicut. The forwarding letter attached to Ext. W1 file is prepared on the estate letter pad where the office of the Estates at Calicut is shown as Indira buildings. Shri Balakrishna Menon admittedly was working there. In these state of affairs his version that he is working in connection with the industry managed by Shri Namboodiripad can be accepted without any hesitation. The decision of the Supreme Court in Punjab National Bank v. Ghulam Dastagir - (1978) 2 Supreme Court Cases 358 wherein it was held that the driver employed by a Manager of a Bank to drive a car provided by the Bank for his use is not a worker of the Bank cannot apply to the facts of the present case. The dictum laid down by the Supreme Court in J. K. Cotton Spinning and Weaving Mills Company Limited v. Labour Appellate Tribunal of India (1963 II L. L. J. 436) that persons employed in connection with operations incidental to the main industry are workmen and the place of work is not of much material applies with equal force to the facts of the present case. The argument that there was plenty of time to attend to personal work of the employer and that is an indication that there was no full time work in connection with the industry and therefore the employee cannot be treated as a worker as per the Industrial Disputes Act cannot at all be accepted as it is not the fault of the employee that he was obeying the directions to do the works unconnected with the industry also. I have no hesitation to hold that Shri Balakrishna Menon was an employee of the industry managed by Shri Namboodiripad.

9 Evidently the services of Shri Balakrishna Menon were dispensed with without assigning any valid reasons. The only reason stated was that his services as a personal employee are no longer required. That is not a satisfactory reason for terminating the services as an industrial worker. It is in evidence that the Provident Fund Department insisted on enrolling Shri Balakrishna Menon and other employees who were working in the Calicut Office of Shri Namboodiripad for the purpose of subscribing to the Employee's Provident Funds Scheme. The correctness of that direction is being challenged by Shri Namboodiripad before the High Court of Kerala in an Original Petition filed for that purpose. That is still pending. What is sworn to by Shri Balakrishna Menon is that his services were abruptedly terminated soon after the direction of the Provident Fund Commissioner under the mistaken impression that he (Shri Balakrishna Menon) was responsible for bringing out such a direction. His case is that he was victimised under this false impression. This version of the witness appears probable in view of the admitted fact that there was a direction for enrolment of Shri Balakrishna Menon in the Provident Funds Scheme and the termination followed soon after and the direction is being challenged. So this is a case where the employee's services were terminated as an act of victimisation.

10 Now we are left with the reliefs to which the employee is entitled. It is admitted by Shri Balakrishna Menon that he is having a work as a Commission Agent in some other concern continuously since the termination of his services. Shri Balakrishna Menon is now 57 years in age. Shri Balakrishna Menon was holding a responsible position involving confidence and trust. The relationship between the parties had since been strained very much and the employer cannot normally be expected to repose the same confidence which he had formerly with this employee. The employee who has some other profitable business of his own need not be disturbed from that avocation to take up re-employment for a short period alone which is available to his credit for superannuation. In these state of affairs reinstatement need not be ordered. Adequate compensation will be sufficient in lieu of reinstatement.

11. The question of back wages also is there. As already mentioned Shri Balakrishna Menon is profitably employed elsewhere. So back wages need not be ordered.

12. In computing the compensation due, the period upto this date can be treated as service. Reinstatement if ordered should have come into effect now. The service started in June 1969. The total service is 12 years. The salary that was drawn in 1977 was Rs. 300 (no dispute regarding this claim of WW1). The annual increment granted, according to WW1, is Rs. 25. So the salary now would have been Rs. 400. The gratuity due is six months' salary at that rate. It works out to Rs. 2,400. One year's salary can be treated as compensation. That is Rs. 4,800. The employee will also be paid a sum of Rs. 1,000 as costs.

13. In the result an award is passed directing the Management to pay Rs. 7,200 (Rupees seven thousand and two hundred only) as gratuity and compensation in lieu of reinstatement to the workman. This amount will carry intetest at the rate of twelve percent per annum from the date on which the award becomes enforceable. The workman is awarded costs Rs. 1,000 (Rupees one thousand only). This will also be paid by the Management. That amount will not carry interest.

14. This award shall come into force on the expiry of thirty days from the date of its publication in the Government Gazette.

N. SUKUMARAN,
Presiding Officer.

Camp, Trichur,
18-11-1981.

Appendix

Witness examined on the Workman's side:

WW1 Shri K. B. Menon.

Exibits marked on the Workman's side:

Ext. W1	Provident Fund Contribution statement regarding the employees of Kakkumvally Estate for the period from 1-3-1973 to 28-2-1974.		
Ext. W1(a).	do.	do.	from 1-3-1974 to 28-2-1975.
Ext. W1(b).	do.	do.	from 1-6-1971 to 29-2-1972.
Ext. W1(c).	do.	do.	from 1975 to 1976.
Ext. W1(d).	do.	do.	from 1-3-1976 to 28-2-1977.
Ext. W1(e).	do.	do.	from 1-3-1972 to 28-2-1973.
Ext. W1(f).	do.	do.	from 1-3-1975 to 1-2-1976.
Ext. W1(g).	do.	do.	from 1-3-1974 to 31-3-1974.
Ext. W2	Provident Fund Contribution statement regarding the employees of A. K. T. K. M. Estate, Chokkad for the period from 1-3-1976 to 28-2-1977.		
Ext. W2(a).	do.	do.	for 1975-76.
Ext. W2(b).	do.	do.	from 1-3-1974 to 28-2-1975.
Ext. W2(c).	do.	do.	from 1-3-1972 to 28-2-1973.(F3).
Ext. W2(d).	do.	do.	from 1-3-1972 to 28-2-1973.
Ext. W2(e).	do.	do.	from 1-3-1976 to 28-2-1977.
Ext. W2(f).	do.	do.	from 1-3-1975 to 29-2-1976.
Ext. W2(g).	do.	do.	from 1-3-1972 to 28-2-1973.
Ext. W2(h).	do.	do.	from 1-3-1974 to 31-1-1975.

Ext. W3. Provident Fund Contribution statement regarding the employees of D. V. N. Estate, Chokkad for the period 1974-75.

Ext. W4. Monthly returns submitted to the Rubber Board by the Kakkumvally Estate in the years 1976 and 1977.

Ext. W5. Do. do. in the years 1974 and 1975.

Ext. W6. Monthly returns submitted to the Rubber Board by the A. K. T. K. M. Estate in the years 1974 and 1975.

Ext. W7. Do. do. in the years 1976 and 1977.

Ext. W8. Monthly returns submitted to the Rubber Board by the D. V. N. Rubber Estate in the years 1974 and 1975.

Exhibits marked on the Managements' side:

Ext. M1. The file containing the papers of Chinmaya Mission College.

Ext. M2. The file containing the papers of Grand Lodge of Mark Master Masons.

Ext. M3. Another file containing the papers of Grand Lodge of Mark Master Masons.

Ext. M4. The file containing the papers of Lions Club.

Ext. M5. Another file containing the papers of Lions Club.

Ext. M6. The file relating to Chinmaya Mission for the year 1976-1977.

Ext. M7. The file relating to Desamangalam Service Co-operative Bank.

Ext. M8. Check Roll and pay list of labourers of the Estates for the year 1970.

Ext. M9. Cash book of Kakkumvally Estate from 18-8-1966 to 25-6-1970.

Ext. M9.(a). do. from 2-7-1970.

Ext. M9.(b). do. from 3-5-1973.

Ext. M9.(c). do. from 17-4-1975.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1294/81/LBR. *Dated, Trivandrum, 14th October 1981.*

The award of the Labour Court, Kozhikode in respect of the dispute between the Management of S. T. C. O. Saw Mill, Mooriyad, Calicut and their workmen represented by the Secretary, Kozhikode Taluk Earcha Mill Thozhilali Union (CITU), Kallai, Calicut-3 received by Government on 5-10-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. Gomathy Amma,
Deputy Secretary.

In the Labour Court, Kozhikode, Kerala State

(Dated this the 29th day of August 1981)

Present:

Shri T. M. VISHNU NAMBISSAN, B. A., B. L.,
Presiding Officer

INDUSTRIAL DISPUTE No. 9/78

Between:

The Management, S. T. C. O. Saw Mill, Mooriyad, Calicut—Management

And

The Secretary, Kozhikode Taluk Earcha Mill Thozhilali Union (CITU), Kallai, Calicut-3—Union.

Represented by:

Shri P. P. Balan, Advocate, Calicut. } For *the Management.*

Shri P. Kumarankutty, Advocate, Calicut. } For *the Union*

AWARD

1 This Industrial Dispute between the above parties regarding the denial of employment to 8 workers named in the ordered reference was referred to this Court for adjudication as per G. O. Rt. No. 166/78/L&H dated 30-1-1978. The case was taken on file and notices issued to both parties. They entered appearance and filed statements.

2 In its statement the union contends that the 8 workers namely (1) V. T. Surendran (2) A. Narayanan (3) M. V. Moideen (4) Hydrose (5) C. P. Moideen (6) O. Avaran Koya (7) P. Mammed Koya and (8) T. Appukutty were permanent employees under the management and they were denied employment on 11-10-1976 when the national emergency was in force. There was no reason assigned to the denial of employment. The industry of the management was running very well and from the next day after the denial of employment the management employed new workers. The management has adopted a calculated attempt to throw the workers in the reference out and to take new employees for wages at a lower rate. By doing so the management also evaded its liability to pay the legal benefits to the above workers. The denial of employment was without any reason whatsoever. A conciliation regarding the dispute before District Labour Officer was not successful. It was agreed before the District Labour Officer that the above dispute would be referred adjudication. Hence the union prays for reinstatement of the workmen with backwages.

3. The management in its written statement denies that the workmen named in the reference were its permanent employees. The denial of employment on 11-10-1976 is false. Out of the workers named in the reference V. T. Surendran, A. Narayanan, M. V. Moideen, P. Hydrose and T. Apputty worked under the management as casual workers and were employed according to the casual vacancies. They never earned continuous service so as to enable them to claim any benefit. The other 3 workers viz. C. P. Moideen, Avaran Koya and P. Mammed Koya were never employed by the management. The averment in the statement of the union that the management employed new workers at a lower rate of wages subsequent to the alleged denial of employment is incorrect. The management never failed to provide the benefits due to the employees. The contention that the management took shelter under the emergency is incorrect. The workers who worked in the casual vacancies were not provided employment due to want of vacancies. The union was trying to provide employment to its members including the workers under reference and was pressurising the management by instigating some of its members to indulge in illegal activities. It was under these circumstances that conciliation proceedings were initiated. There was no denial of employment to the workers named in the reference. The casual workers named above had only few days service. The mill was under closure with effect from 9-8-1975. All the then workers were retrenched on payment of compensation. The present employees are those employed after re-starting the mill. There is no bonafides in the contention of the union that the workers are entitled to reinstatement.

4. In its rejoinder the union denies the averments in para 2 of the written statement of the management. The workers are entitled to back-wages. It denies the contention that the union used to interfere in the matter of employing casual labourers.

5. The issue that arises for consideration is the denial of employment to 8 workers namely (1) V. T. Surendran (2) A. Narayanan (3) M. V. Moideen (4) Hydrose (5) C. P. Moideen (6) O. Avaran Koya (7) P. Mammed Koya and (8) T. Appukutty is proper, valid and justifiable.

6. *Issue.*—The case of the union is that the 8 workers named in the reference were permanent employees under the management and were denied employment on 11-10-1976 under the cover of the national emergency which was in existence then and in order to deny the legal benefits due to the above workers. The management denies that the above workers were the permanent employees under it. It contends that out of the 8 workers numbers 1 to 4 and 8 were only casual workers employed in the casual vacancies as and when it arises. It denies that the remaining workers were over employed by it. The management denies his liability to reinstate the workers as there was no denial of employment. It would appear that there was a conciliation before the District Labour Officer, Kozhikode regarding the dispute raised by the union as per Ext. W1 which includes the denial of employment to 8 workers named in the order of reference. Ext. W5 is the notice of conciliation. Ext. W2 is the settlement arrived at on 15-6-1977 as per which it was agreed that the case of the 8 workers (named above) dismissed during the emergency period will be referred for adjudication. Eventhough it is alleged in the claim statement of the union that the denial of employment to the above workers was on 11-10-1976. WW2 and WW3 admitted that the denial of employment to the above workers was not on the same date but on different date. The same is seen from Ext. W3 and W4. In Ext. W3, 6 workers are stated as denied employment on 11-10-1976 whereas Apputty is stated as denied employment on 20-9-1976 in Ext. W4. The dates on which each of the workers are alleged to have been denied employment is not stated in the claim statement or in the evidence. The union did not produce any document to show that the workers are employed by the management and are permanent workers. WW1 is the Secretary of the union. In his cross-examination he admitted that prior to the demand the service of the workers was not verified. He admitted that it is usual to verify the status of the workers on the basis of the service. He stated that the demand was placed on the ground that the above 8 workers are continuous workers and he came to know the same from the workers themselves. He admitted that the workers did not have any recor to showd their service. He further admitted that it can be seen from the register maintained in the union office, the service of each worker and the establishment where he is employed. But that document has not been produced. He would say that the workers in the reference were not given employment card about which he had complained to the Factory Inspector who had inspected the establishment on that basis. But the same is not stated either in the claim

statement or in the rejoinder. The inspection note if any made by the Factory Inspector was also not produced to support his evidence. WW2 claims to have been employed by the management from 3-9-1975 onwards and he would say that the workers named in the reference were working under the management along with him. In his cross-examination he would say that the management did not maintain the Muster Roll and Wages Register about which he had complained to the Factory Inspector who had inspected the factory. The non-maintenance of the Muster Roll and the Wages Register would appear to have been alleged as the names of the workers in the reference are not found therein. As stated by me earlier the union did not take any steps to produce the inspection note of the Factory Inspector which would have shown the non-maintenance if any of the registers and as such explained the absence of the names of the workers in the reference in these registers. Ex. M1 to M4 believes the said case, the suggestion put to WW2 is that he was given card only in June, 1977 and was employed from that date only. That he was given card only in June, 1977 is admitted by him. His case is that he had complained about the non-issuance of the card to him but he admitted that there are no documents to show the same. Under the above circumstances the evidence of WW2 does not appear to be acceptable to show that the above workers were the permanent employees of the management. WW3 is one of the workers who is denied as employed by the management. He admitted that he had not been issued a card by the management and that he did not make a complaint about the same at the initial stage. There is no evidence to show that he made a complaint at any time. Exts. M1 to M4 does not show that workers No. 1 to 4 in the reference had worked under the management for the prescribed period so that they can be regarded as having acquired the status of permanency. The names of workers 5 to 7 are not found in the above exhibits, whereas the name of the 8th worker T. Apputty is seen in Exts. M4, M3, M2 and M1 from 8-9-1975. It was contended before me that the management did not deny the allegations contained in Exts. W3 and W4 that the workers named in the reference are permanent workers under the management and as such it must be presumed that the workers named in the reference are the permanent workers under the management. Ext. W3 is in respect of 6 workers and it is dated 20-10-1976. Ext. W4 is in respect of T. Apputty. There is nothing to show that the originals of the above exhibits had been served on the management. The evidence of MW1 is that the management did not receive any letter from the union prior to Ext. W6, and it is seen that Ext. W6 had been replied as per Ext. M.9. Therefore the said contention raised on behalf of the union cannot be accepted as correct. The case of the management is that it had employed only one Mammed Koya and that he was retrenched on payment of compensation when the mill was closed in 1975. Ext. M5 and M6 are the receipts passed by the abovesaid Mammed Koya for receipt of the compensation. WW1 and WW2 admitted that they do not know the name of the father of Mammed Koya named in the reference. At any rate since the name of Mammed Koya is not found in Ext. M1 to M4, after

Exhibits marked on the side of the Union:

Ext. W1—Strike notice dated 9-6-1977 from the Kozhikode Taluk Earch Mill Thozhilali Union.

Ext. W2—Memorandum of settlement dated 15-6-1977.

Ext. W3—Letter dated 20-10-1976 from the Union.

Ext. W4—Copy of the letter dated 8-10-1976 to the District Labour Officer, Kozhikode.

Ext. W5—Letter No. L.R.I. 9725/76 dated 3-6-1977 of the District Labour Officer, Kozhikode.

Ext. W6—Notice of Sathyagraha dated 19-9-1977 of the Union.

Witnesses examined on the side of the Management:

MW1—Sri V. Saseedharan.

Documents marked on the side of the Management:

Ext. M1 to Ext. M4—Muster Rolls.

Ext. M5—Cash Voucher of P. Mammed Koya dated 18-8-1975.

Ext. M6—Letter of P. Mammed Koya to the Management.

Ext. M7—Letter of T. Apputty dated 16-8-1976.

Ext. M8—Letter of N.V. Moideen dated 16-8-1976.

Ext. M9—Letter dated 21-9-1977 of the Management.

Ext. M10—Certificate of posting.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 1539/81/LBR. *Dated, Trivandrum, 22nd December 1981.*

The award of the Labour Court, Kozhikode in respect of the dispute between the Secretary, Cannanore Wholesale Co-operative Consumers Stores Ltd., Cannanore and their workman Shri K. K. Moosakunhi, Kallendrakath House, P. O. Pappinisseri, Cannanore received by Government on 19-12-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. Gomathy Amma,
Deputy Secretary.

In the Labour Court, Kozhikode, Kerala State

Dated this the 25th day of November 1981

Present:

Shri T. M. VISHNU NAMBISSAN, B.A., B.L.,

Presiding Officer

INDUSTRIAL DISPUTE No. 11/78

Between

The Secretary, Cannanore Wholesale Co-operative consumers Stores Ltd., Cannanore :Management

And

Shri K. K. Moosakunhi, Kallendrakath House, P. O. Pappinisseri, Cannanore :Workman.

Representations :

Advocate Sri M. P. Govindan Nambiar	:	For *the Management*
Advocate Sri K. K. Balakrishna Panicker	:	For *the Workman*

G. A. 297/V.

AWARD

1. This Industrial Dispute between the above parties regarding the dismissal of Sri K. K. Moosakunhi from service on 28-1-1972 was referred to this court for adjudication as per G. O. Rt. No. 223/78/L & H dated 8-2-1978. The case was taken on file and notices issued to the parties. They entered appearance and filed statements.

2. The material averments in the statement submitted by the workman are that he was appointed as Assistant Manager for Departmental Store as per the proceedings of the management dated 3-10-1966. The General Manager was the custodian of everything therein including stock and the workman was only as Assistant in the Textile wing whereas the General Manager was holding the actual control supervision. A false allegation was brought against him as per the order dated 10-8-1970 alleging a deficit of Rs. 10,563.03 for the period from 1-3-1970 to 30-6-1970 and alleging the workman was solely responsible as Assistant Manager of the Textile section. He filed a written explanation on 11-8-1970 stating that he was not the custodian nor responsible for the alleged shortage. He also filed an additional statement on 23-9-1970. An enquiry was conducted by the Diciplinary Action Committee as per the order dated 21-4-1971. That committee held that the workman is solely responsible for the deficit in the textile wing and directed him to pay Rs. 12,773.25 alleged to be the deficit for the period 1966-67, 68-69, and 69-70. That order also stated that the workman can be reinstated on payment of the aoove sum on or before 30-4-1971 and that the suspension period has to be treated as punishment in the matter. The suspension of the workman was from 10-8-1970 till 10-3-1971 extended periodically. It was extended upto 30-4-1971 by the order of the Disciplinary Action Committee. Thereafter there was no suspension. Against the order dated 21-4-1971, he preferred an appeal before the management which was rejected 17-6-1971. He filed A. R. C. 61/70-71 before the Deputy Registrar of Co-operative Societies challenging that order. It was during the pendency of A. R. C. that the dismissal order dated 25-1-1972 was passed. The A. R. C. was dismissed holding that the Deputy Registrar has no jurisdiction to order reinstatement, and this reference was made by the Government ultimately after the direction by the High Court. The Disciplinary Action Committee had no jurisdiction to pass an order of dismissal. In between the order of dismissal and suspension, there was a period without suspension ie., after 30-4-1971 for which period the workman must be treated as in service. The finding of the Disciplinary Action Committee is opposited to the principles of natural justice and it is illegal and arbitrary. He is entitled to the arrears of pay amounting to Rs. 3,718.50 upto 30-11-1971 and also from the subsequent period. Hence the workman prays for reinstatement with backwages.

3. The management filed written statement contending that the reference is incompetent in that the dispute in question is an individual dispute within Section 2A of the Industrial Disputes Act. The remedy of the workman is to seek appropriate reliefs under Section 18 (2) of the Kerala Shops and Commercial Establishments Act, 1960 as the management is an establishment under that Act. The workman who was working as the Assistant Manager of the textile section was the custodian of the stock and cash of that section. The contention that the General Manager was the custodian is incorrect. On physical verification of the stock in the textile section held on 30-6-1970, a deficit of Rs. 10,563.03 was noticed for the period from 1-3-1970 to 30-6-1970. The workman was solely responsible for the deficit. He was asked to explain the deficit in stock and pending enquiry, he was kept under suspension. He filed explanations on 11-8-1970 and 23-9-1970 disclaiming responsibility. Thereafter he was directed to appear before the Disciplinary Action Committee entrusted with the task of enquiring into the charges levelled against him. That committee held a domestic enquiry into the charges in which the workman fully participated. That committee found that the workman is responsible for the deficit in stock in the textile section. The total deficit so found was Rs. 12,773.25 for the years 66-67, 68-69 and 69-70. The committee took a decision that he must be taken back into service provided he made good the amount before 30-4-1971. The suspension period undergone by him was held to be treated as punishment. The workman did not pay the amount and as such he was dismissed as per the order dated 28-1-1972. The management also filed a suit for recovery of the amounts due from the workman before the Deputy Registrar of Co-operative Societies under Section 69 of the Kerala Co-operative Societies Act. The domestic enquiry was held inconformity with the principles of natural justice and in which the workman had availed of all opportunities. The order of the Disciplinary Action Committee is perfectly legal and valid. The allegation made against the order of suspension and the contention that after 10-4-1971 the workman cannot be treated as under suspension are incorrect. The contention that the workman was dismissed without enquiry is incorrect. He was dismissed after a proper enquiry in which the charges levelled against him was found proved. No amounts are due to the workman on the contrary amounts are due from him. He is not entitled to reinstatement. He is employed elsewhere.

4. In his rejoinder the workman contends that the Kerala Shops and Commercial Establishments Act, 1960 is not applicable to this case as the workman concerned was employed in a position of management. The contention that this court has no jurisdiction is untenable. The contention in para 3 of the written statement of the management are incorrect. He reiterates that the dismissal was without an enquiry and that the enquiry conducted by the Disciplinary Action Committee is legal and conformity with the principles of natural justice. No amount is due from him to the management.

5. The issues that arises for consideration are (1) whether this court has jurisdiction to adjudicate the dispute and (2) whether the dismissal of the workman from service on 28-1-1972 is legal, proper and justified.

6. Issue No. 1 :- The contention of the management is that since this is an individual dispute, the remedy of the workman lies not as per the provisions of the Industrial Disputes Act but under Section 18 (2) of the Kerala Shops and Commercial Establishments Act, 1960, in view of the fact that the management is an establishment coming under the provisions of that Act. The workman contends that the provisions of the said Act are not applicable. This contention was not seriously argued before me at the time of hearing probably in view of Section 31 of the Shops and Commercial Establishments Act.

7. The next contention is based in the rejoinder filed by the workman in which he stated that he was employed in a position of management. In view of the same, it was contending before me that the workman is not a workman as defined in the Industrial Disputes Act. The management had now such case in the written statement filed by it. The mere averment that he was employed in a position of management will not be sufficient to exclude him from the definition of workman unless it is shown that he is employed mainly in managerial or administrative capacity. There is no evidence adduced to that effect. The evidence regarding the managerial powers if any conferred on the workman is absent. Hence the contention that the workman is not a workman as defined in the industrial disputes Act also cannot be held as established. For the above reasons I hold that this court has jurisdiction to entertain the dispute.

8. Issue No. 2 :- It is admitted that the workman was employed as Assistant Manager in the textile section of the management. He was dismissed from service as per the order dated 28-1-1972 which is Ext. W1. The above order would appear to have been preceded by a domestic enquiry by the Disciplinary Action Committee of the management in which it was found that the workman is responsible for the total deficit of Rs. 12,773.25 for the years 1966-67, 68-69 and 69-70 being deficit in the textile wing of which he was the custodian. Ext. M1 is the proceedings of the Disciplinary Action Committee. The said Committee ordered that if the workman deposits the deficit by 30-4-1971, he will be reinstated in service treating the period of suspension as punishment. Since he did not deposit the amount as directed, he was dismissed from service and it was also resolved to recover the amount from the workman by instituting necessary proceedings before the court of the Deputy Registrar of Co-operative Societies. That is the order evidenced by Ext. W1 and contained in Ext. M1. As per the order dated 6-8-1980, the procedural validity of the domestic enquiry conducted by the Disciplinary Action Committee was found in favour of the management.

9. An opportunity to lead further evidence was given and the workman marked Exts. W1 to Ext. W6 and the management marked Ext. M9. The contention now put forward on behalf of the workman, in effect, amounts to show that the finding of the domestic enquiry committee is perverse. The said arguments is based on Ext. W6 which is the copy of the order in A. R. C. 20/71-72 on the file of the court of the Deputy Registrar of Co-operative Societies, Cannanore. The same is the petition filed under Section 69 of the Kerala Co-operative societies Act by the management, for a recovery of Rs. 12,773.25 being amount of deficit found in the textile stock of which the workman is alleged to be the custodian. As per Ext. W6, the Deputy Registrar dismissed the petition on 6-5-1979. In view of the dismissal of the claim preferred by the management for recovery of the deficit, the contention is that the deficit found due from the workman as per Ext. M1 is incorrect and non-existent. The same as stated by me earlier, amounts to a challenge of the finding of the Disciplinary Action Committee as perverse. The contention of the management is that the above order of the Deputy Registrar is not final in that the management had preferred an appeal challenging the correctness of the same before the Kerala Co-operative Tribunal, Trivandrum and pending as A. P. 52/79, the copy of which is Ext. M9. In view of Ext. M9 it is contended that Ext. W6 is not final and as such the finding of the Disciplinary Action Committee cannot be regarded as wrong or perverse at this stage. It is true that the alleged liability of the workman for the deficit in stock as found in Ext. M1 has not become final. But at the same time, in view of Ext. W6 it has to be held that there is no liability cast on the workman to make good the deficit. Even as per Ext. M1 the Disciplinary Action Committee held that the workman will be reinstated in service if he makes good the deficit and the dismissal as per Ext. W1 was because of the failure of the workman to deposit the amount. The reinstatement was conditional on making good the deficit and since as per Ext. W6 the claim of the management for recovery of the amount of deficit has been negatived, it cannot be said that there was any duty on the part of the workman to make payment of any amount so that the condition in Ext. W1 can be enforced. Since the condition in Ext. W1 has become non-existent, there is no reason why the workman cannot be reinstated in service according to the terms of Ext. W1. Therefore, I hold that the workman is entitled to be reinstated in service as the dismissal order passed for the non-performance of the condition in Ext. W1 cannot be held to be in operation. On the reinstatement a workman is entitled to backwages. There is no reason proved to depart from that normal rule in this case. Therefore, I hold that the workman is entitled to backwages as well as to continuity of service and other benefits. It is quite unnecessary to observe that if the claim of the management is allowed in A. P. No. 52/79 by the Kerala Co-operative Tribunal, the workman is liable to make good the deficit which of course the management will be entitled to recover on the basis of the orders in the same. The issue is found accrodingly.

10. In view of my above fiinding I hold that the dismissal of the workman is not proper, legal and justified and as such he is entitled to reinstatement with backwages, continuity of service and other benefits.

11. This award will come into force 30 days after its. publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 25th day of November 1981.

T.M. Vishnu Nambissan,
Presiding Officer,
Labour Court, Kozhikode.

Appendix

Witness examined on the side of the Workman :

Nil

Documents marked on the side of the Workman :

Ext. W1 Copy of the order of dismissal of K. K. Moosakunhi dated 28-1-1972.
Ext. W2 Certified copy of the order in A. R. C. 61/70-71 of Deputy Registrar.
Ext. W3 Copy of Auditors Note
Ext. W4 Copy of Lawyer notice to the management dated 20-12-1971.
Ext. W5 Reply by management to the notice dated 7-1-1972.
Ext. W6 Certified copy of the order in A. R. C. 20/71-72 dated 5-5-1979.

Witness examined on the side of the Management :

Nil.

Documents marked on the side of the Management :

Ext. M1 True copy of the enquiry proceedings and finding.
Ext. M2 Special byelaw relating to service conditions.
Ext. M3 Proceedings of the management dated 10-8-1970.
Ext. M4 do. 9-11-1970
Ext. M5 do. 6-12-1970
Ext. M6 do. 10-2-1971.
Ext. M7 Acquittance Register for 1970-71.
Ext. M8 Stock Register and incharge list.
Ext. M9 Copy of the appeal filed as A. P. No. 52/79 before the Co-operative Tribunal, Trivandrum.

Kerala Gazette No. 5 dated 2nd February 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 1367/81/LBR. *Dated, Trivandrum, 6th November* 1981.

The award of the Labour Court, Kozhikode in respect of the dispute between M/s. Bevpore Sea Foods, Calicut-15 and their workmen represented by the General Secretary, Industries and General Workers Union, West Hill, Calicut-15 received by Government on 31-10-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor ,

P. Gomathy Amma,
Deputy Secretary.

In the Labour Court, Kozhikode, Kerala State

Dated this the 12th day of October 1981

Present:

Shri T. M. VISHNU NAMBISSAN, B.A. B.L.

Presiding Officer

INDUSTRIAL DISPUTE No. 16/79

Between:

M/s Beypore Sea Foods, Calicut—15. (Management)

And

The General Secretary, Industries and General Workers Union, West Hill, Calicut-15 (Union)

Representations:—

Advocate, Shri P. M. Mohammed Ali, Calicut. — For *the Management.*

Advocate, Shri Basant Calicut. — For *the Union.*

AWARD

1. This Industrial Dispute between the above parties regarding the denial of employment to Sri K. T. Ramachandran, Supervisor, with effect from 16-11-1976 was referred to this court for adjudication as per G.O. Rt. No. 281/79/L&H dated 22-2-1979. The case was taken on file and notices issued to the parties. They entered appearance and filed statements.

2. In its written statement the union contends that M/s. Beypore Sea Foods is an establishment engaged in the business of buying, processing and marketting various types of fishes and other sea foods. It started another unit styled as Sanya Fishes and Feeds in November, 1975 at West Hill which is functioning now in the premises of the Beypore Sea Foods at Beypore. All the activities of both the unions are being carried on under the management and direct control of Sri M. Abdurahiman, the owner. The workman joined as a Supervisor under the management in March, 1974 on a salary of Rs. 300. The owner reposed great trust and faith in the workman. The owner, Abdurahiman, wanted the worker to work for sometime at the new unit. Accordingly he worked at the new unit on deputation from 5-11-1975 to 5-11-1976. The new unit functioned at M/s. Avaran and Sons and was closed on 5-11-1976 due to the surrender of the premises taken on lease. The workman reported for work before Sri Abdurahiman at Beypore Sea Foods, thereafter. He was told that since Ibrahimkutty and Ashraf who were related to the owner were working in Beypore Sea Foods, it was embarassing for him to ask them to quit and wanted the workman to wait for sometime so that he could make some arrangements. The approach of the owner was such that it appeared that he had more trust and faith in the workman than in his own relatives and that the workman was being taken into confidence to avoid an embrassment in the owner's family. The workman was told that Sanya Fishes and Feeds will start production in the premises of Beypore Sea Foods shortly and then the relatives of Abdurahiman could be posted there and the workman could continue at Beypore Sea Foods as before. The workman was told that his entire salary would be paid to him and wanted him to wait for sometime as the management was facing difficulties consequent to the closure of the unit at West Hill. In the meantime the owner left for Haj Pilgrimage. On his return the second unit started production in the premises of Beypore Sea Foods in June, 1977 but the workman was not still employed. He realised that the idea of the management was to deceive him and so complained to the union. The union wrote to the management on 17-6-1977 but there was no useful response. The conciliation was not successful. The denial of employment to the worker is illegal and mala fide and amounts to unfair labour practice. The services of the workman were dispensed with for no valid reasons. His services were not terminated in accordance with law. Eversince the denial of employment, the workman has not been in gainful employment. Hence the union prays for reinstatement of the workman with backwages, continuity of service and other benefits.

3. The management filed a written statement contending that while the workman was working at Beypore Sea Foods he got a better employment at Sanya Fishes and Feeds which started functioning at West Hill very close to the residence of the workman. Thereupon the workman without applying for leave and without informing the management of any reason for not reporting for duty, voluntarily left the management and joined Sanya Fishes and Feeds. The averment that the Managing Partner of Beypore Sea Foods had asked the workman to work at the Sanya Fishes and Feeds is absolutely false. It was for his own convenience and for his own benefits that the workman left the management and joined the Sanya Fishes and Feeds. He had married two women from Beypore and there was some confusion created at Beypore due to these marriages. So he found it difficult to report for duty at Beypore. It is understood that he is now employed at Puri. The contention that the Sanya Fishes and Feeds and the Beypore Sea Foods are sister concern under the same management is not correct. It is also incorrect that Sanya Fishes and Feeds is at present functioning at the premises of the Beypore Sea Foods. It is incorrect to say that the workman reported for duty at Beypore. What is alleged to have been told to the workman by Abdurahiman in the claim statement is also not correct. An employee by name Ibrahimkutty was there even when the workman was employed under the management at Beypore. There is no employee by name Ashraf. The workman left the management in November, 1975 and thereafter he did not report for duty. It was long after that the union wrote a letter to the management to which reply was sent on 25-6-1977. Even at that time the workman was employed at Puri. The attempt of the union is only to see whether it can extract some money from the management. Since the workman left the management voluntarily he has no right to claim reinstatement.

4. The union did not file a rejoinder.

5. The issue that arises for consideration is "the denial of employment to Sri K. T. Ramachandran with effect from 16-11-1976 proper, valid, and Justified."

6. *Issue:*—That the workman was employed by the management in March 1974 as a Supervisor is admitted. The case of the union is that in November, 1975 the owner of the management namely Abdurahiman wanted the workman to work at the new unit that was to be started at West Hill and that the workman worked at the new unit by name Sanya Fishes and Feeds from 5-11-1975 to 5-11-1976 on deputation. On the closure of that unit on 5-11-1976 on the expiry of the period of leese the workman is alleged to have reported for duty before Sri Abdurahiman at Beypore when he is alleged to have been told to wait for sometime as it was embrassing for him to ask two employees namely Ibrahimkutty and Ashraf who are related to him to quit. It is further alleged that the workman was informed that Sanya Fishes and Feeds would start production in the premises of the management shortly, and then the relatives of the owner would be posted there and that the workman will be provided with employment under the management. The case in

that even after the functioning of the Sanya Fishes and]Feeds in the premises of the management the workman was not given employment and as such the union has raised this dispute. The contention of the management is that there is no denial of employment; but on the other hand the workman left the service of the management in November, 1975 on his own accord and voluntarily in order to seek employment in Sanya Fishes and Feeds on better terms and conditions and which was functioning at West Hill close to his residence. The management also denies that the two establishments are sister concerns and that the Sanya Fishes and Feeds after its closure at West Hill started functioning in the premises of the management at Beypore.

7. Ext. W1 dated 17-6-1977 is the copy of the letter sent by the union to the management. The copies are seen marked to the District Labour Officer, Kozhikode and others. In the same it is alleged that the workman was working for more than 3 years under the management i. e. Beypore Sea Foods, and that he was denied employment without any notice. It is further alleged that in his place two new employees were employed. There is no statement in Ext. W1 regarding the starting of a new unit by Abdurahiman, owner of the management at West Hill styled as Sanya Fishes and Feeds and the deputation of the workman to work in that unit for sometime. The said case is alleged only in the claim statement. It is true that the workman as PW1 gave evidence to that effect. The case of the workman is that the management and the Sanya Fishes and Feeds are sister concerns owned by Abdurahiman. It is denied in the written statement of the management. Apart from the interested oral testimony of PW1 there is nothing before this court to come to the conclusion that the two are sister concerns owned by Abdurahiman. The union did not take any steps for the production of any document such as the lease deed, the account etc. of the Sanya Fishes and Feeds to show that the two are sister concerns. The union also did not examine any independent witness such as the lessor of the premises where Sanya Fishes and Feeds was functioning at West Hill to show that the lease was obtained by Abdurahiman the owner of the management. PW1 in his evidence admitted that the other employees of the management are aware that the workman was transferred or deputed to the Sanya Fishes and Feeds on account of the peculiar relationship between himself and the management but none of these persons have been examined. It is admitted that there is no order deputing the workman to Sanya Fishes and Feeds and as such requirement of the independent evidence of the case alleged assumes importance, which, as stated earlier, has not been produced. There is total absence of any independent evidence to establish the case that the two establishments are sister concerns owned by the same person, and that the workman was deputed from the management to the concern at West Hill. The non-examination of Abdurahiman was commented upon to show that the evidence of the workman has not been contradicted. MW1 is the Manager of the management. He denied that the two are sister concerns owned by Abdurahiman. He also denied the deputation alleged by the workman. He deposed that if WW1 had been deputed to work in any other place he

would have known the same. It is only but natural that the Manager would have known of the deputation of any employee working in the establishment managed by him. Therefore, the contention that the evidence of WW1 has not been contracted by the management cannot be regarded as correct especially when there is lack of independent evidence on the side of the union.

8. The Sanya Fishes and Feeds was closed on 5-11-1976 according to WW1. His further case is that it starts functioning at the premises of the management. His evidence in cross-examination is that it started functioning in July, 1976 whereas to a pointed suggestion made in the re-examination he stated that it started functioning in July, 1977. The starting of any establishment in the premises of the management at Beypore is denied by MW1. That any other establishment is functioning at the premises of the management is not established by any independent, oral and documentary evidence. It appears that the starting and functioning of Sanya Fishes and Feeds at the premises of the management in July, 1977 is alleged only to explain the long delay in making the claim for employment and the consequent dispute raised. That the reason alleged for the non-employment of the workman by the management immediately after the closure of Sanya Fishes and Feeds at West Hill on approaching the owner of the management, namely, the two relatives of the owner namely Ibrahimkutty and Ashraf were already employed there and it will be embrassing to ask them to quit also cannot be held as established. The evidence of MW1 is that Ibrahimkutty was employed even while the workman was employed at Beypore and that there is no employee by name Ashraf employed at any time. The further allegation that on the functioning of Sanya Fishes and Feeds at the premises of the management, the above two persons will be posted there and the workman will be provided with employment under the management also cannot be regarded as true and correct, since it has not been established the Sanya Fishes and Feeds is owned or is a sister concern of the management. The functioning of such an establishment in the premises of the management is also not established.

9. The case of the management is that the workman left his services voluntarily on his own accord in November, 1975 in order to seek employment in the Sanya Fishes and Feeds which started functioning in November, 1975 close to his residence at West Hill. Ext.W3 shows that the management had removed his name from its rolls for the continued absence which was informed as per a letter dated 16-12-1975. The muster roll has not been produced. The receipt of the letter dated 16-12-1975 is denied by WW1. The copy of the letter has also not been produced. Hence it was contended that the absence of the workman at Beypore can be regarded only do his deputation to work at Sanya Fishes and Feeds. But the fact that the workman did not report for duty under the management at Beypore is admitted. It is also admitted that he was working under the Sanya Fishes and Feeds from 5-11-1975 to 5-11-1976. Therefore the non-production of the muster roll and the copy of the notice does not assume much importance

10. The case of the management as stated earlier is that due to the continued absence of the workman it must be presumed that he had voluntarily left service under it. As stated earlier that the workman was absent and did not report for duty from 5-11-1975 onwards is admitted. That he sought employment under the m. nagement after 5-11-1976 has been found against by me earlier. Therefore, this does not appear to be a case of denial of employment by the management but a case of leaving the service voluntarily. Therefore the workman cannot be held to be entitled to reinstatement or any other benefits.

11. That the workman was employed at Puri after the closure of the Sanya Fishes and Feeds on 5-11-1976 has not been established.

12. In view of my findings recorded earlier, I hold that the workman is not entitled to claim reinstatement or any other benefits. The issue is found accordingly.

13. In view of my above findings, I pass the award holding that this is not a case of denial of employment but voluntarily leaving the service under the management and as such the workman is not entitled to claim reinstatement or any other benefits.

14. This award will come into force 30 days after the date of publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 12th day of October 1981.

T. M. VISHNU NAMBISSAN,
Presiding Officer,
Labour Court, Kozhikode.

Appendix

Witnesses examined on the side of the Union :-

WW1.—Sri K. T. Ramachandran.

Documents marked on the side of the Union :-

Ext.W1—Letter dated 17-6-1977 addressed to the Management by the Union.

Ext.W2—Notice for conciliation dated 27-3-1978 issued by the District Labour Officer.

Ext.W3—Letter dated 25-6-1977 from the Management.

Ext.W4—Post cover addressed to Sri K. T. Ramachandran, Supervisor, Beypore Sea Food, P. O. Beypore.

Witnesses examined on the side of the Management :—

MW1.—Sri Muhammed Koya.

Documents marked on the side of the Management :—

Nil.

Kerala Gazette No. 5 dated 2nd February 1982.

PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1537/81/LBR. *Dated, Trivandrum, 22nd December* 1981.

The award of the Labour Court, Kozhikode in respect of the dispute between the President, Karuvarakundu Co-operative Service Bank Ltd., No. F. 1191, Karuvarakundu P.O., Malappuram District and their workman Shri Thattadayil Narayanan Nair, Vellayur Amsom, Desom, P.O. Vellayur, via Tuvur, Malappuram District received by Government on 19-12-1981 is hereby published under section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. Gomathy Amma,
Deputy Secretary.

In the Labour Court, Kozhikode, Kerala State

Dated this the 30th day of November 1981

Present:

Shri T. M. VISHNU NAMBISSAN, B. A., B. L.,

Presiding Officer

INDUSTRIAL DISPUTE No. 63/79

Between:

The President, Karuvarakundu Co-operative Service Bank Ltd., No. F. 1191, Karuvarakundu P.O., Malappuram District. } *Management.*

And

Sri Thattadayil Narayanan Nair, Vellayur Amsom, Desom. P.O. Vellayur, (via) Tuvur, Malappuram District. } *Workman*

Represented by:

Management .. *Ex-parte.*
Advocate Sri K. Hemachandran .. For *the Workman*

GA. 295/B.

AWARD

1. This Industrial Dispute between the above parties regarding the dismissal of Sri Thattadayil Narayanan Nair, Ration Shop Manager, was referred to this Court for adjudication as per G.O. Rt. No. 1726/79/L&H dated 3-12-1979. The case was taken on file and notices issued to the parties. They entered appearance and filed statements.

2. In his claim statement, the workman states that he was appointed as the Manager of Fair Price Shop No. 135 of the management. He was suspended, pending enquiry on 11-7-1977 alleging that he attempted to lift three bags of rice from the ration shop unauthorisedly. He was served with another show-cause notice containing five charges on 5-9-1977. He submitted his explanation. He was informed that a personal hearing would be conducted before the President. After interrogating him, he was asked that he will be informed about further action. He was also asked to put his signature on a blank paper which he refused to do. Later as per the letter dated 11-8-1977 he was informed of his dismissal from service of the management. The appeal filed by him was also dismissed. He challenges the validity of his dismissal in that the same is not preceded by a proper and valid domestic enquiry in which the charges levelled against him have been proved. He also denies that he had committed any offence and as such he prays for reinstatement.

3. The management filed a written statement contending that on 10-7-1977 at about 7 p.m. the residents of the locality found two bags of rice being removed. It was alleged that the rice was removed from fair price shop No. 135. On the basis of the preliminary enquiry conducted by the Secretary, the workman was suspended pending further enquiry and he was served with a show-cause notice. Since the explanation submitted by the workman was found unsatisfactory, he was directed to appear before the President for an enquiry. Though the workman appeared before the President and an oral enquiry was conducted, he refused to sign the papers. The allegation that the president asked him to sign in a blank paper is false. As per the enquiry it was found that the workman had made false bills showing issue of ration rice to persons to whom ration had actually not been issued and was trying to remove the excess rice clandestinely. The workman had acted prejudicial to the interest of the management. It was on the basis of the enquiry that the management decided to dismiss the workman from the service. The management contends that the enquiry conducted is fair, proper and inconformity with the principles of natural justice. The management further maintains that the dismissal of the workman is proper.

4. In his rejoinder, the workman contends that the allegation that two bags of rice seized by the residents of the locality were removed from the ration shop of which he was the manager is false. No preliminary enquiry was conducted by the Secretary. There was no enquiry conducted

by the management. He denies having issued false bills. The actionary president and the Disciplinary Sub-Committee and the Board are in gross violation of the provisions of the bye-law and against all principles of natural justice.

5. On the above pleadings, the issue that arises for consideration is whether the dismissal of the workman is proper, valid and justified.

6. Issue:—The workman was the manager of Fair Price Shop No. 135 conducted by the management. On the allegation that he was attempting to remove three bags of rice from the ration shop, he was suspended from service. Thereafter, it is admitted that he was served with a show-cause notice containing five charges to which he submitted his explanation. Thereafter, the case of the workman, is that he was required to be present before the President, who interrogated him and required of him to sign in a blank sheet of paper, which he refused. Later on he received on order dated 11-8-1977 dismissing him from service. The contention of the workman is that the order of dismissal passed by the management is not preceded by proper and valid domestic enquiry conducted according to the principles of natural justice. In the written statement, the management contended that the domestic enquiry conducted was proper, valid and inconformity with the principles of natural justice. Even from the written statement of the management what is seen is only that the President conducted an oral enquiry. The management did not request to raise a preliminary issue regarding the validity of the domestic enquiry either in the written statement or by a separate petition filed. The management did not also produce any documents to show that a proper and valid domestic enquiry was conducted on 23-11-1981 when this case came up for enquiry, the management and its counsel were absent. The management was declared ex-parte on that date. The evidence of workman as WW1 shows that there was no proper and valid domestic enquiry preceding the order of dismissal. Therefore, it has to be held that there was no proper and valid domestic enquiry conducted into the charges levelled against the workman.

7. The management also did not produce any documents to substantiate the charges levelled against the workman. As stated earlier, the management was declared ex-parte. The evidence of workman shows that he did not commit any offence. His evidence is uncontradicted. Hence th dismissal of the workman from service cannot be held to be proper, valid and justified. Hence he is entitled to reinstatement, with backwages, continuity of service and other benefits. The issue is found accordingly.

8. In view of my above finding, I pass the award holding that the dismissal of the workman is not proper, valid and justified and that he is entitled to reinstatement with backwages, continuity of service and other benefits.

9. This award will come into force 30 days after its publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed be him, revised corrected and passed by me on the 30tb day of November, 1981.

T. M. VISHNU NAMBISSAN,
Presiding Officer,
Labour Court, Kozhikode.

Appendix

Witness examined on the side of the workman :

WWI Sri T. Narayanan Nair.

Documents marked on the side of the workman .—Nil.

Witnesses examined and documents marked on the side of the Management .—Nil.

GOVERNMENT OF KERALA

Taxes (F) Department

NOTIFICATION

No. 19207/F2/81/TD. *Dated, Trivandrum, 18th December* 1981.

The following Notification (G.S.R.) No. 753 (Notification No. 5/81/F. No. 656/18/81-Opium dated 10th August 1981) of the Government of India, Ministry of Finance, Department of Revenue is hereby republished along with its Malayalam and Tamil versions for general information.

By order of the Governor,
R. MUTHUKRISHNAN,
Deputy Secretary.

GOVERNMENT OF INDIA

Ministry of Finance

(Department of Revenue)

New Delhi, the 10th August, 1981.

NOTIFICATION

Medicinal and Toilet Preparations

G.S.R. No. 753: In pursuance of sub rule (3) of rule 60 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956 and on the advice of the Standing Committee, the Central Government hereby declares that the new medicinal preparations specified in column 2 of the table below, prepared by the manufacturers specified in the corresponding entry in column 3 thereof, shall be included in the category of preparations specified in the corresponding entry in column 4 of the table :

TABLE

Sl. No.	Medicinal Preparations	Name of the manufacturer	Category
(1)	(2)	(3)	(4)
1	Vitahext	M/s Hoechst Pharmaceuticals Ltd. Mulund, Bombay	'Restricted' falling under item I (ii) (b) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955)
2	Antisol (antiseptic) (For external use only)	M/s Solar Pharmaceuticals, Industries, Madurai	'Unrestricted' falling under item I (i) (a) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
3	Ephisol (anti allergic and antispasmodic)	do.	do.
4	Carmicide	M/s Indoco, Remedies Ltd., Bombay	do.
5	Elixir Efelin	do.	do.
6	Astharon (Oral antiasthmatic) expectorant syrup)	M/s Nutri, Pharma, Bombay	do.
7	Cetramol (cetrimid tincture) (For external use only)	M/s Tamilnadu Dadha Pharmaceuticals, Ltd., Madras	do.
8	Sangvin	do.	'Unrestricted' falling under item I (i) (a) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).

9	Beecom (General Tonic)	M/s Universal Pharmacy, Shanti Nagar, Nagpur	do.
10	Cardamomsol	M/s Surya Chemicals, Lucknow	do.
11	Tossex Improved (anti tussive expectorant)	M/s Sarabhai Chemicals, Baroda	do.
12	Bron Chodrex	M/s H. Jules & Co., Shantinagar, Nagpur	do.
13	Paracodra e	do.	do.
14	Mixture for Diarrhoea	M/s The New International Chemicals Private Ltd., Barabanki	do.
15	Codeine cough syrup	do.	do.
16	Vasanic syrup	do.	do.
17	Vasanic Tolu syrup	do.	do.

(Sd.)
Z. B. NAGARKAR,
Under Secretary to the Government of India.

No. 5/81/F.No. 656/18/81-Opium.

ഭാരത സർക്കാർ

ധനകാര്യമന്ത്രികാര്യാലയം

(റവന്യൂ വകുപ്പ്)

ന്യൂഡൽഹി, 1981 ആഗസ്റ്റ് 10.

വിജ്ഞാപനം

ഔഷധീയവും ചമയസംബന്ധവുമായ തയ്യാറിപ്പുകൾ

ജി. എസ്. ആർ. നമ്പർ 753. 1956-ലെ ഔഷധീയവും ചമയ സംബന്ധവുമായ തയ്യാറിപ്പുകൾ (എക്സൈസ് തീരുവകൾ) ചട്ടങ്ങളിലെ 60-ാം ചട്ടം (3)-ാം ഉപചട്ടത്തിലെ വ്യവസ്ഥകളനുസരിച്ചും സ്റ്റാൻഡിംഗ് കമ്മിറ്റിയുടെ ഉപദേശമനുസരിച്ചും, താഴെ പറയുന്ന പട്ടികയിലെ (2)-ാം കോളത്തിൽ പറഞ്ഞിട്ടുള്ളതും,

അതതിനുനേരെയുള്ള പട്ടികയിലെ 3-ാം കോളത്തിലെ കുറിപ്പിൽ പറഞ്ഞിട്ടുള്ള നിർമ്മാതാക്കൾ തയ്യാറാക്കിയതുമായ പുതിയ, ഔഷധങ്ങൾ പട്ടികയിലെ 4-ാം കോളത്തിൽ അതിനു നേരെയുള്ളകുറിപ്പിൽ സൂചിപ്പിച്ചിട്ടുള്ള സാമഗ്രികളുടെ വിഭാഗത്തിൽ ഉൾപ്പെടുത്തേണ്ടതാണെന്ന് കേന്ദ്ര സർക്കാർ ഇതിനാൽ പ്രഖ്യാപിക്കുന്നു.

പട്ടിക

ക്രമ നമ്പർ	ഔഷധീയ തയ്യാറിപ്പുകൾ	നിർമ്മാതാവിന്റെ പേര്	വിഭാഗം
(1)	(2)	(3)	(4)
1	വിററാക്സ്ററ്	മെസ്സേഴ്സ് ഹോചേസ്ററ് ഫാർമസ്യൂട്ടിക്കൽസ് ലിമിററഡ്, മുലന്ദ്, ബോംബെ	1955-ലെ ഔഷധീയവും ചമയ സംബന്ധവുമായ തയ്യാറിപ്പുകൾ (എക്സൈസ് തീരുവകൾ) ആക്ററിന്റെ (1955-ലെ 16) പട്ടികയിലെ 1 (ii) (ബി) ഇനത്തിൻകീഴിൽ വരുന്ന "നിയന്ത്രിതമായ"
2	ആൻറിസോൾ (ആൻറിസെപ്ററിക്) (ബാഹ്യമായ ഉപയോഗത്തിനുമാത്രം)	മെസ്സേഴ്സ് സോളാർ ഫാർമസ്യൂട്ടിക്കൽ, ഇൻഡസ്ട്രീസ്, മധുര.	1955-ലെ ഔഷധീയവും ചമയ സംബന്ധവുമായ തയ്യാറിപ്പുകൾ (എക്സൈസ് തീരുവകൾ) ആക്ററിന്റെ (1955-ലെ 16) പട്ടികയിലെ 1 (i) (എ) ഇനത്തിൻ കീഴിൽ വരുന്ന "അനിയന്ത്രിതമായ"
3	എഫിസോൾ (ആൻറി അലർജിക്കും ആൻറിസെപ്ററിക്കും)	ടി	ടി
4	കാർമീസൈഡ്	മെസ്സേഴ്സ് ഇൻകോ റെമിഡീസ് ലിമിററഡ്, ബോംബെ	ടി
5	എലക്സിർ എഫ്ലിൻ	ടി	ടി

6	ആസ്തറോൺ (ഓറൽ ആൻറി ആസ്തമാററിക് എക്സ്പെക്ടോറൻറ് സിറപ്പ്)	മെസ്സേഴ്സ് ന്യൂട്രി ഫാർമാ, ബോംബെ	ടി
7	സെററ്റാമോറം (സെററ റിമിഡ്ററിഞ്ചർ) (ബാഹ്യമായ ഉപയോഗത്തിനുമാത്രം)	മെസ്സേഴ്സ് തമിഴ്നാട് ഓഡോ ഫാർമസ്യൂട്ടിക്കൽസ് ലിമിററഡ്, മദ്രാസ്	ടി
8	സാങ്ങ്വിൻ	ടി	ടി
9	ബീകം (ജനറൽ ടോട്ടിക്)	മെസ്സേഴ്സ് യൂണിവേഴ്സൽ ഫാർമസി, ശാന്തിനഗർ നാഗപൂർ	ടി
10	കാർഡാ മോമസോറം	മെസ്സേഴ്സ് സൂര്യ കെമിക്കൽസ്, ലക്നോ	ടി
11	റോററസ്ക്സ് ഇംപ്രൂവ്ഡ് (ആൻറി ററിസസീവ് എക്സ്പെക്ടോറൻറ്)	മെസ്സേഴ്സ് സാരാഭായ് കെമിക്കൽസ്, ബറോഡ	ടി
12	ഗ്രബാൺ കോഡ്രെക്സ്	മെസ്സേഴ്സ് എച്ച്. ജൂലീസ് ആൻറ് കമ്പനി, ശാന്തിനഗർ നാഗ്പൂർ	ടി
13	പാരാകോഡ്ററ്	ടി	ടി
14	മിക്സ്ചർ ഫോർ ഡയേറിയാ	മെസ്സേഴ്സ് ദി ന്യൂ ഇൻറർനാഷണൽ കെമിക്കൽസ് പ്രൈവററ് ലിമിററഡ്, ബാരാബങ്കി	ടി

(1)	(2)	)(3	(4)
15	കൊഡേയിൻ കഫ് സിറപ്പ്	മെസ്സേഴ്സ് ദി ന്യൂ ഇൻറർനാഷണൽ കെമിക്കൽസ് പ്രൈവററ് ലിമിററഡ്, ബാറാബാങ്കി	1955-ലെ ഔഷധീയവും ചമയ സംബന്ധവുമായ തയ്യാറിപ്പുകരം (എക്സൈസ് തീരുവകരം) ആക്ററിൻെറ (1955-ലെ 16) പട്ടികയിലെ 1 (i) (എ) ഇനത്തിൻ കീഴിൽ വരുന്ന ''അനിയന്ത്രിതമായ''
16	വാസനിക് സിറപ്പ്	ടി	ടി
17	വാസനിക് ടോരം സിറപ്പ്	ടി	ടി

നമ്പർ 5/81/എഫ്, നമ്പർ 656/18/81-ഓപ്പിയം.

(ഒപ്പ്)

ഇസഡ്, ബി നാഗാർക്കർ,

അണ്ടർ സെക്രട്ടറി,

ഇൻഡ്യാ ഗവൺമെൻറ്. ൭

இந்திய அரசு

நிதி அமைச்சர்

(வருவாய்த் துறை)

புதுடில்லி, 1981 ஆகஸ்ட் 10.

அறிவிக்கை

மருந்து மற்றும் டாய்லெட் தயாரிப்புகள்

ஜி. எல். ஆர். எண். 753.—1956-ன் மருந்து மற்றும் டாய்லெட் தயாரிப்புகள் (எக்சைஸ் தீர்வைகள்) விதிகளில் 60-வது விதியின் துணைவிதி (3) அனுசரித்தும் நிலக்குழுவின் அறிவுரைப்படியும் கீழ்க்காணும் அட்டவணையின் கட்டம் 2-ல் குறிப்பிட்டுள்ளதும் அதற்கு இணையாகக் கட்டம் 3-ல் குறிப்பிடப்பட்ட தயாரிப்பாளர் களால் தயாரிக்கப்பட்டதுமான புதிய மருந்து தயாரிப்புகள் அதற்கு இணையாக இந்த அட்டவணையின் கட்டம் 4-ல் குறிப்பிடப்பட்ட தயாரிப்புகளின் இனத்தில் உட்படுத்தப்படவேண்டுமென்று மத்திய அரசு இதனால் அறிவித்துக் கொள்கிறது.

அட்டவணை

வரிசை எண்	மருந்து தயாரிப்புகள்	தயாரிப்பாளர் பெயர்	இனம்
(1)	(2)	(3)	(4)
1	விட்டாஹெக்ட்ஸ்	மெஸர்ஸ் ஹோயிக்ஸ்ட் பார்மாசூட்டிக்கல்ஸ் லிட், மூவண்ட், பம்பாய்	1955-ன் மருந்து மற்றும் டாய்லெட் தயாரிப்புகள், (எக்ஸைஸ் தீர்வைகள்) சட்டத்தின் (1955-ன் 16) அட்டவணையின் இனம் 1 (ii) (பி)-ன் கீழ் வருகின்ற கட்டுப்படுத்தப்பட்டவை
2	ஆன்டிசோல் (கிருமிநாசினி) (வெளி உபயோகத்திற்கு மட்டும்)	மெஸர்ஸ் சோலார் பார்மாசூட்டிக்கல்ஸ் இன்டஸ்டிரீஸ், மதுரை	1955-ன் மருந்து மற்றும் டாய்லெட் தயாரிப்புகள் (எக்ஸைஸ் தீர்வைகள்) சட்டத்தின் (1955-ன் 16) அட்டவணையின் இனம் 1 (i) (ஏ)-ன் கீழ் வருகின்ற கட்டுப்படுத்தப்படாதவை
3	எபிசோல் (அன்டி அலர்ஜிக் ஆன்ட் அன்டிஸ்பாஸ்மோடிக்)	மெஸர்ஸ் சோலார் பார்மாசூட்டிக்கல்ஸ் இன்டஸ்டிரீஸ், மதுரை	,,
4	கார்மினைட்	மெஸர்ஸ் இன்டெகோ ரெமிடீஸ் லிமிட்டெட், பம்பாய்	,,
5	எலிக்ஸிர் எபிலின்	,,	,,
6	அஸ்தாரோன் (ஓரல் ஆன்டி ஆஸ்த்மாட்டிக் எக்ஸ்பெக்டோறன்ட் சிறப்)	மெஸர்ஸ் நியூட்ரி பார்மா, பம்பாய்	,,
7	செட்ராமால் (செட்ரிமிட்சிங்க்சர்) (வெளி உபயோகத்திற்கு மட்டும்)	மெஸர்ஸ் தமிழ்நாடு தாதா பார்மாசூட்டிக்கல்ஸ் சென்னை	,,
8	சேங்க்வின்	,,	

(1)	(2)	(3)	(4)
9	டீ ம் (பொது டானிக்)	மெஸர்ஸ் யூனிவர்ஸல் பார்மஸி, சாந்திநகர், நாக்பூர்	1955-ன் மருந்து மற்றும் டாய்லெட் தயாரிப்புகள் (எக்சைஸ் தீர்வைகள்) சட்டத்தின் (1955-ன் 16) அட்டவணையின் இனம் 1 (i) (எ)-ன் கீழ் வருகின்ற கட்டுப்படுத்தப்படாதவை
10	சார்ட் ஹோம்சோல்	மெஸர்ஸ் சூரியா கெமிக்கல்ஸ், லெக்னௌ	,,
11	டோஸ்ஸக்ஸ் இம்ப்ருவ்ட் (ஆன்டி டிஸிஸீவ் எக்ஸ்பக்டோரன்ட்)	மெஸர்ஸ் சாராபாய் கெமிக்கல்ஸ், ப்ரோடா	,,
12	பரோஜு கோட்ரெக்ஸ்	மெஸர்ஸ் ஜுவல்ஸ் கம்பெனி சாந்திநகர், நாக்பூர்	,,
13	பாரா கோட்ரேட்	,,	,,
14	மிக்ஸ்சர் பார் டயேரியா	மெஸர்ஸ் தி நியு இன்டர்நேஷனல் கெமிக்கல்ஸ் பிரைவட் லிமிட்டட், பராபாஸ்தி	,,
15	கோமஸ் காமப் சிரப்	,,	,,
16	வாசனிக் சிரப்	,,	,,
17	வாசனிக் டொனு சிரப்	,,	,,

அறிவிக்கை எண். 5/81/எப். எண். 636/18/81-அலவ

(ஒப்பம்)

பி. நாகர்தார்,
இந்திய அரசு உதவிச் செயலாளர்.



GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—KERALA INDIGENOUS MEDICINE SUBORDINATE SERVICE—SPECIAL RULES—AMENDMENT—ISSUED.

HEALTH (D) DEPARTMENT

G. O. (P) No. 397/81/HD. Dated, Trivandrum, 22nd December 1981.

NOTIFICATION

S.R.O. No. 105/82.—In exercise of the powers conferred by subsection (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala, hereby make the following amendment to the Special Rules for the Kerala Indigenous Medicine Subordinate Service, issued under Notification G. O. (P) No. 9/Public (Rules) Department dated the 17th January, 1967, and published in Part I of the Kerala Gazette No. 4 dated the 31st January, 1967, as subsequently amended, namely:—

AMENDMENT

1. *Short title and commencement.*—(i) These rules may be called the Special Rules for the Kerala Indigenous Medicine Subordinate Service (Amendment) Rule, 1981.

(ii) They shall come into force at once.

2. In the Special Rules for the Kerala Indigenous Medicine Subordinate Service, in rule 2, under Class I for item (1) of the Note under the heading "Method of appointment" against Category 5 "Ayurveda Pharmacist Grade II", the following shall be substituted, namely:—

"(1) Direct recruitment and promotion shall be in the ratio of 1:1. If qualified persons are not available for promotion within a particular District, the vacancies so reserved for promotion in that District shall also be filled up by promotion from among

qualified persons in other Districts after obtaining their willingness. Only in the absence of qualified and willing persons in other Districts for promotion, the vacancies shall be filled up by direct recruitment".

By order of the Governor,
K. SRINIVASAN,
Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

As per G. O. (P) No. 216/77/GAD dated 2-7-1977 appointment to the post of Pharmacist, Grade II in the Department of Indian Systems of Medicine has been ordered to be made on District-wise basis. The Special Rules provide for direct recruitment to the post of Pharmacist Grade II in the absence of qualified hands to the posts reserved for appointment by promotion. Since the posts of Pharmacists Grade II are reserved for recruitment on district-wise basis, the vacancies reserved for promotion cannot be filled up by promotion from qualified and willing persons in other Districts, in the absence of qualified hands for promotion in a particular District. It is found necessary to make provision in the rules to fill up the posts of Pharmacists Grade II by promotion from qualified and willing persons in other Districts also in the absence of qualified hands for promotion in a particular District. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-G) Department

NOTIFICATION

No. 26636/TC2/81/TF&P. *Dated, Trivandrum, 18th November* 1981.

S. R. O. No. 106/82.—Whereas representation has been received by Government from the Stage Carriage Operator Smt. P. Lakshmi Pillai Amma, Thoppil Veetlu, Chavara that the vehicle tax for the quarters ended on the 31st March, 1981, 30th June, 1981 and 30th September, 1981 in respect of the Stage Carriage bearing Registration No. KLU. 9078 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted.

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarters ended on the 31st March, 1981, 30th June, 1981 and 30th September, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government, consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarters ended on the 31st March, 1981, 30th June, 1981 and 30th September, 1981 in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarters ended on the 31st March, 1981, 30th June, 1981 and 30th September, 1981 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 30th September 1981 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TG2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

P. SANKARAN NAIR,

Additional Secretary.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received a representations from the Stage Carriage Operator requesting extension of time for payment of vehicle tax for the quarters ended on the 31st March, 1981, 30th June, 1981 and 30th September, 1981 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise this vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-C) Department

NOTIFICATION

No. 28088/TC2/81/TF&P. *Dated, Trivandrum, 25th November,* 1981.

S. R. O. No. 107/82.—Whereas representation has been received by Government from the Stage Carriage Operators, Sri P. M. Varghese, Paravila Puthen Veedu, Kottarakara, Quilon that the vehicle tax for the quarter ended on the 30th June, 1981 in respect of the Stage Carriage bearing Registration No. KLV. 4057 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 30th June, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 30th June, 1981 in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 30th June, 1981 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 30th September, 1981 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-5/PW dated the 29th September, 1975 published as S.R.O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975

By order of the Governor,

P. SANKARAN NAIR,
Additional Secretary.

G. 2013 [P.T.O.]

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received a representation from the Stage Carriage Operator Shri P. M. Varghese, Kottarakara, Quilon requesting extension of time for payment of vehicle tax for the quarter ended on the 30th June, 1981 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise this vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Labour (F) Department

NOTIFICATION

G. O. (Rt.) 1386/81/LBR. *Dated, Trivandrum, 6th November* 1981.

S. R. O. No 109/82.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948), read with section 91-A thereof, the Government of Kerala, in consultation with the Employees' State Insurance Corporation, hereby exempt The Payyannur Co-operative Stores Ltd. No. F-1156 PB. No. 2, Payyannur-670307, Cannanore District, from the operation of the provisions of the said Act for a period of one year from the 1st May 1978, subject to the following conditions, namely:—

1. The society shall maintain a register showing the names and designations of its employees ;

2. Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

3. The contribution for the exempted period, if already paid, shall not be refunded;

4. The society shall submit in respect of the period during which it was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

5. Any Inspector appointed by the Corporation under subsection (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under subsection (1) of section 44 of the said Act; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in considerations of which exemption is being granted under this notifications; or

(iv) ascertaining whether any of the provisions of the said Act had force complied with during the period when such provisions were in force in relation to the said society, be empowered to —

(a) require the society to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by the said society at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such documents, books and other documents, relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the officers of the society or the servants of the said society or any person found in such factory establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register, account book or other documents maintained in such society, establishment, office or other premises of the society.

By order of the Governor,

C.P. Nair,

Special Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Secretary, The Payyannur Co-operative Stores Ltd. No. F. 1156 PB. No. 2, Payannur, Cannanore District requested to Government that the Stores may be exempted from the coverage of ESI Act 1948. Government after consulting the Regional Director E S I Corporation and after considering the matter in the 32nd Regional Board meeting of the E. S. I. Corporation have decided to grant exemption to the Stores for a period of one year from 1-5-1978 to 30-4-1979. The notification is to achieve this purpose.

GOVERNMENT OF KERALA

Labour (F) Department

NOTIFICATION

G. O. (Rt) No. 1384/81/LBR. *Dated, Trivandrum, 6th November* 1981.

S.R.O.No. 108/82.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948), read with section 91-A thereof, the Government of Kerala in consultation with the Employees' State Insurance Corporation hereby exempt The Irinavu Weavers' Industrial (Work Shop) Co-operative Society Ltd. No. H. L. IND. (C) 19. P. O. Irinavu, Cannanore District from the operation of the provisions of the said Act for a period of one year from the 1st December, 1978, subject to the following conditions, namely:—

1. The society shall maintain a register showing the names and designations of its employees;

2. Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

3. The contribution for the exempted period, if already paid, shall not be refunded;

4. The society shall submit in respect of the period during which it was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

5. Any Inspector appointed by the Corporation under subsection (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under subsection (1) of section 44 of the said Act; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in considerations of which exemption is being granted under this notifications; or

(iv) ascertaining whether any of the provisions of the said Act had been complied with during the period when such provisions were in force in relation to the said society be empowered to—

(a) require the society to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment office or other premises occupied by the said society at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such documents, books and other documents, relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the officers of the society or the servants, of the said society or any person found in such factory establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register, account, book or other documents maintained in such society, establishment, office or other premises of the society.

By order of the Governor,

C.P. Nair,

Special Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The President, Irinavu Weavers Industrial (Work Shop) Co-operative Society Ltd. No. H. L. IND. (C) 19, P. O. Irinavu, Cannanore District has represented to Government that the said society be exempted from the operation of the provisions of ESI Act 1948. Government after consulting the Regional Director E.S.I. Corporation and after considering the matter in the 32nd Regional Board Meeting of the E.S.I. Corporation have decided to grant exemption to the society from the coverage of ESI. Act for a period of one year from 1-12-1978 to 30-11-1979. The notification is intended to achieve this purpose.

GOVERNMENT OF KERALA

Housing (J) Department

NOTIFICATION

G.O. Rt. No. 382/81/Housing. *Dated, Trivandrum, 21st December* 1981.

S. R. O. No. 110/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the land mentioned in the schedule hereto annexed in respect of which land acquisition proceedings were initiated by the Deputy Collector, Land Acquisition, Kottayam by the issue of Notification No. B7-41945/78 dated the 24th February, 1979, under subsection (1) of section 3 thereof, published at pages 1776 and 1777 in Part III of the Kerala Gazette dated the 19th June, 1979.

SCHEDULE

District—Kottayam

Taluk—Kottayam. *Village*—Athirampuzha and Perumbaikad.

Sl. No.	*Village*	*Sy. No.*	*Description*	*Extent* H.	A.	Sq. m.
			Dry			
1	Perumbaikad	102/10	,,	0	30	76
2	,,	102/11	,,	0	09	30
3	,,	102/13	,,	0	53	82
4	,,	112/5	,,	0	10	92
5	,,	113/5	,,	1	90	20
6	,,	114/1	,,	0	40	50
7	,,	114/2	,,	0	17	40
8	,,	114/3	,,	0	51	80
9	,,	123/5	,,	1	42	00
10	,,	123/3	,,	0	42	49
11	Athirampuzha	956/3	,,	1	48	12
12	,,	956/9	,,	0	21	04

Explanatory Note

(This is not part of the notification but is intended to indicate its general purport).

The Secretary, Kerala State Housing Board, Trivandrum in his Letter No. R3-2470/78 dated 3-1-1981 has proposed to exempt the land in Sy. Nos. 102/10, 102/11, 102/13, 112/5, 113/5, 114/1, 114/2, 114/3, of

Perumbaikad village from the land acquisition proceedings for the Gandhi Nagar Housing Scheme and also to exclude the Sy. Nos. 123/5 & 123/3 of Perumbaikad village and Sy. Nos. 956/3 and 956/9 of Athirampuzha village from the said proceedings as they do not come within the peg-marked area for the scheme. This notification is intended to achieve the above purpose.

എസ്.ആർ. ഒ. നമ്പർ. 110/82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ച് ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1979 ജൂൺ 19-ാം തീയതിയിലെ കേരള ഗസററ് III-ാം ഭാഗം 1776-ം 1777-ം പേജുകളിൽ പ്രസിദ്ധപ്പെടുത്തിയ പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള 1979 ഫെബ്രുവരി 24-ാം തീയതിയിലെ ബി-7.41945/78 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ട് കോട്ടയം ലാൻറ് അക്വിസിഷൻ ഡെപ്യൂട്ടി കളക്ടർ സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—കോട്ടയം

താലൂക്ക്—കോട്ടയം

വില്ലേജ്—അതിരമ്പുഴയും പെരുമ്പായിക്കാടും

ക്രമനമ്പർ	വില്ലേജ്	സർവ്വേനമ്പർ	വിവരണം	വിസ്തീർണ്ണം ഹെ.	ആർ.	ച: മീ.
1	പെരുമ്പായിക്കാട്	102/10	പുരയിടം	0	30	76
2	,,	102/11	,,	0	09	30
3	,,	102/13	,,	0	53	82
4	,,	112/5	,,	0	10	92
5	,,	113/5	,,	1	90	20
6	,,	114/1	,,	0	40	50
7	,,	114/2	,,	0	17	40
8	,,	114/3	,,	0	51	80
9	,,	123/5	,,	1	42	00
10	,,	123/3	,,	0	42	49
11	അതിരമ്പുഴ	956/3	,,	1	48	12
12	,,	956/9	,,	0	21	04

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം വ്യക്തമാക്കുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

തിരുവനന്തപുരത്തുള്ള കേരള സംസ്ഥാന ഭവനനിർമ്മാണ ബോർഡ് സെക്രട്ടറിയുടെ 3-1-1981-ലെ ആർ 3.2470/78-ാം നമ്പർ കത്തിൽ പെരുമ്പായിക്കാട് വില്ലേജിൽ 102/10, 102/11, 102/13, 112/5, 113/5, 114/1, 114/2, 114/3 എന്നീ സർവേ നമ്പരിൽപ്പെട്ട ഭൂമി ഗാന്ധിനഗർ ഭവനനിർമ്മാണ

പദ്ധതിക്കുവേണ്ടി വിലയ്ക്കെടുക്കുന്നതിനുള്ള നടപടികളിൽ നിന്നും ഒഴിവാക്കാനും, പെരുമ്പായിക്കാട് വില്ലേജിലെ 123/5, 123/3 അതിരമ്പുഴ വില്ലേജിലെ 956/3, 956/9 എന്നീ സർവ്വേ നമ്പരുകളിൽപ്പെട്ട ഭൂമി അതിർത്തി നിർണ്ണയം ചെയ്ത സ്ഥലത്തിനുള്ളിൽ വരാത്തതുകൊണ്ട് പ്രസ്തുത സ്ഥലമെടുപ്പു നടപടികളിൽ നിന്നും ഒഴിവാക്കാനും നിർദ്ദേശിച്ചിരിക്കുന്നു. പ്രസ്തുത ആവശ്യം നിറവേററുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,
K. C. Sankaranarayanan,
Special Secretary.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATION

G. O. (Rt.) 4520/81/LA&SWD.   *Dated, Trivandrum, 19th December* 1981.

S. R. O. No. 111/82.—In exercise of the powers conferred by sub-section (2) of section 62 of the Kerala Panchayats Act, 1960 (32 of 1960) the Government of Kerala after consulting the Trikarpur Panchayat in Cannanore District, hereby exclude from the operation of the said Act, the Poramboke land specified in the Schedule below vested with the said Panchayat and registered in the Revenue Records as foot-path namely:—

SCHEDULE

District—Cannanore.   *Taluk*—Hosdurg.

Village—North Trikarpur   *Panchayat*—Trikarpur.

R. S. No.—277 (Pt)

Extent—0. 0131 Hectare

Boundaries—	North—R.S. No. 277/Pt.	North Trikarpur
	East—R.S. No. 294	,,
	South—R.S. No. 277	,,
	West—R.S. No. 277	,,

Explanatory Note

(This does not form part of the notification, but is intended to indicate the general purport.)

The land in R.S. No. 277 (Pt.) of Noth Trikarpur Village, Hosdurg Taluk measuring an extent of 1. 76 acres stands registered as 'Poramboke-foot path' in the Revenue Records. The land is vested in Trikarpur Panchayat under section 62 of Act 32 of 1960. The Panchayat has agreed to exclude the land from the operation of section 62 of the Kerala Panchayats Act, 1960 for being assigned to the Secretary, Local Spiritual Assembly of the Bahais of Thrikarpur for the construction of a Prayer Hall and Library. The notification is intended to achieve this object.

എസ്.ആർ.ഒ. നമ്പർ 111/82.—1960-ലെ കേരള പഞ്ചായത്ത് ആക്ററ് (1960-ലെ 32) 62-ാം വകുപ്പ് 2-ാം ഉപവകുപ്പുപ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങളും വിനിയോഗിച്ച് കണ്ണൂർ ജില്ലയിലെ തൃക്കരിപ്പൂർ പഞ്ചായത്തുമായി

ആലോചിച്ചതിനുശേഷം കേരള സർക്കാർ പ്രസ്തുത പഞ്ചായത്തിൽ നിക്ഷിപ്തമായതും താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും, റവന്യൂ രേഖകളിൽ നടവഴിയെന്ന് രജിസ്ററർ ചെയ്തിട്ടുള്ളതുമായ സ്ഥലം പ്രസ്തുത ആക്ററിൻെറ പ്രവർത്തന പരിധിയിൽ നിന്നും ഇതിനാൽ ഒഴിവാക്കുന്നു.

പട്ടിക

ജില്ല - കണ്ണൂർ. താലൂക്ക്—ഹോസ്ദുർഗ്.

വില്ലേജ്— വടക്കെ തൃക്കരിപ്പൂർ പഞ്ചായത്ത്—തൃക്കരിപ്പൂർ.

റീസർവ്വെ നമ്പർ—277 (ഭാഗം)

വിസ്തീർണ്ണം—0.0131 ഹെക്ടർ

അതിരുകാം—

വടക്ക്	റീസർവേ നമ്പർ	277 (ഭാഗം)	വടക്കെ തൃക്കരിപ്പൂർ
കിഴക്ക്	,,	294	,,
തെക്ക്	,,	277	,,
പടിഞ്ഞാറ്	,,	277	,,

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിൻെറ ഭാഗമല്ല. എന്നാൽ അതിൻെറ പൊതു ഉദ്ദേശം വ്യക്തമാക്കുന്നതിനു ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

ഹോസ്ദുർഗ് താലൂക്കിലെ വടക്കെ തൃക്കരിപ്പൂർ വില്ലേജിലെ റീസർവേ നമ്പർ 277 (ഭാഗികം) ൽ ഉൾപ്പെട്ട 1.76 ഏക്കർ വിസ്തീർണ്ണത്തിലുള്ള ഭൂമി റവന്യൂ രേഖകളിൽ "പുറമ്പോക്ക്" നടവഴി എന്ന് രജിസ്ററർ ചെയ്തിട്ടുണ്ട്.

കേരള പഞ്ചായത്ത് ആക്ട് (1960-ലെ 32) 62-ാം വകുപ്പ് അനുസരിച്ച് പ്രസ്തുത ഭൂമി തൃക്കരിപ്പൂർ പഞ്ചായത്തിൽ നിക്ഷിപ്തമായിട്ടുള്ളതാകുന്നു. പ്രസ്തുത ഭൂമി ഒരു പ്രാർത്ഥന മന്ദിരവും ഗ്രന്ഥശാലയും പണിയേണ്ട ആവശ്യത്തിലേക്കായി തൃക്കരിപ്പൂരിലെ ബഹായികളുടെ ലോക്കൽ സ്പിരിച്ച്വൽ അസംബ്ളിയുടെ സെക്രട്ടറി പേർക്ക് പതിച്ചുകൊടുക്കുന്നതിന് 1960-ലെ കേരള പഞ്ചായത്ത് ആക്ടിൻെറ 62-ാം വകുപ്പിൻെറ പ്രവർത്തന പരിധിയിൽ നിന്നും ഒഴിവാക്കുന്നതിന് പഞ്ചായത്ത് സമ്മതിച്ചിട്ടുണ്ട്. ഈ വിജ്ഞാപനം ഈ ഉദ്ദേശം നിറവേററുന്നതിനുവേണ്ടിയുള്ളതാണ്.

By order of the Governor,

MARC C. JOHN,

Deputy Secretary.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 27467/TC2/81/TF&P. *Dated, Trivandrum, 18th November* 1981.

S. R. O. No. 112/82.—Whereas representation has been received by Government from the Stage Carriage Operator Shri. A. M. Ummer, Ummer Motor Service, Cochin-1 that the vehicle tax for the quarters ended on the 31st March, 1981 and 30th june, 1981 in respect of the Stage Carriage bearing Registration No. KLF. 4209 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarters ended on the 31st March, 1981 and 30th June, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenince to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarters ended on the 31st M rch, 1981 and 30th June, 1981 in respect of the said stage carriages;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the Vehicle tax for the quarters ended on the 31st March, 1981 and 30th June, 1981 in respect of the said stage carriages ordinarily kept for use in the State shall be paid on or before the 15th September, 1981 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S.R O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,
P. SANKARAN NAIR,,
Additional Secretary.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator Shri. A.M. Ummer, Cochin requesting extension of time for payment of vehicle tax for the quarters ended 31st March, 1981 and 30th June, 1981 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise this vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.



GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—KERALA GEOLOGY SERVICE—REVISED—SPECIAL RULES—ISSUED.

INDUSTRIES (K) DEPARTMENT

G. O. (P) No. 309/81/ID. Dated, Trivandrum, 19th November 1981.

NOTIFICATION

S.R.O.No. 114/82.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) and in supersession of all the existing rules and orders issued on the subject, the Government of Kerala hereby make the following Special Rules for the Kerala Geology Service, namely :—

RULES

1. *Short title and commencement.*—(a) These rules may be called the Special Rules for the Kerala Geology Service, 1981.

(b) These rules shall be deemed to have come into effect on and from the 1st August, 1975.

2. *Constitution.*—The service shall consist of the following categories of Officers, namely :—

Category 1. Director of Mining and Geology.
Category 2. Deputy Director of Mining and Geology.
Category 3. Senior Chemist.
Category 4. Geologist.

3. (a) *Appointment.*—Appointment to the various categories shall be made as follows :—

Category (1)	Method of appointment (2)
1. Director of Mining and Geology	1. By promotion from the category of Deputy Director of Mining and Geology 2. In the absence of suitable candidates for promotion, by direct recruitment
2. Deputy Director of Mining and Geology	1. By promotion from the category of Geologist 2. In the absence of sutable candidates for promotion, by direct recruitment
3. Senior Chemist	1. By transfer from the category of Junior Chemist 2. In the absence of suitable candidates for appointment by transfer, by direct recruitment
4. Geologist	1. By transfer from among Assistant Geologist 2. In the absence of suitable candidates for transfer, by direct recruitment

(b) Promotion and appointment by transfer shall be made from the select lists prepared from among eligible officers on the basis of merit and ability, seniority being considered only where merit and ability are approximately equal. Persons included in a select list shall be ranked in the order of their seniority subject to the provisions in Rule 28 (b) (i) in Part II of the Kerala State & Subordinate Service Rules, 1958.

4. *Reservation of Appointments.*—The rules relating to reservation of appointments in rules 14 to 17 in Part II of the Kerala State and Subordinate Service Rules, 1958 shall apply to appointments by direct recruitment to categories other than category 1.

5. *Appointing Authority.*—The appointing authority for the category of Geologist shall be the Director of Mining and Geology. For the other categories, the appointing authority shall be the Government.

6. (a) *Qualifications regarding age.*—No persons shall be eligible for appointment by direct recruitment to the categories specified in column (1) of the table below, if he has not completed or will not complete the age of

18 on the 1st day of January of the year in which applications for appointment are invited or has completed or will complete the age specified in the corresponding entry in column (2) thereot :—

TABLE

Category	Age years
(1)	(2)
1. Director of Mining and Geology	45
2. Deputy Director of Mining and Geology	40
3. Senior Chemist	30
4. Geologist	35

(b) *Other qualifications*.—No person shall be eligible for appointment to any of the categories mentioned in column (1) of the table below by the method specified in column (2) unless he possesses the qualifications specified in the corresponding entry in column (3) thereof.

Category	Method of Appointment	Qualifications
(1)	(2)	(3)
1. Director of Mining and Geology	Promotion	1. B.Sc. (Hons) or M.Sc: or equivalent degree (1st or 2nd class) in Geology, Applied Geology, Mining Engineering or Diploma (1st or 2nd class) in Mining or Applied Geology from the Indian School of Mines and Applied Geology, Dhanbad.
		2 Experience in the Department of Mining and Geology for eight years of which at least three years should be as Deputy Director of Mining and Geology.
	Direct Recruitment	1. B.Sc. (Hons) or M.Sc: or equivalent degree (1st or 2nd class) in Geology, Applied Geology, Mining or Mining Engineering or Diploma (1st

(1)	(2)	(3)
		or 2nd class) in Mining or Applied Geology from the Indian School of Mines and Applied Geology, Dhanbad.
		2. Twelve years experience in Central or State Government organisations in a responsible supervisory post engaged in the Geological field work and administrative matters connected with the grant of mineral concessions etc. according to the provisions of . Acts and Rules.
2. Deputy Director of Mining and Geology	Promotion	1. B.Sc. (Hons) or M.Sc. or equivalent degree (1st or 2nd class) in Geology, Applied Geology, Mining or Mining Engineering or Diploma (1st or 2nd class) in Mining or Applied Geology from the Indian School of Mines and Applied Geology, Dhanbad.
		2. Five years' experience in the Department as Geologist.
	Direct Recruitment	1. B.Sc. (Hons) or M.Sc. or equivalent Degree (1st or 2nd class) in Geology, Applied Geology, Mining or Mining Engineering or Diploma (1st or 2nd class) in Mining or Applied Geology from the Indian School of Mines and Applied Geology, Dhanbad.
		2. Ten years' experience in Geological field work in a responsible post in a Central/State Government or Private organisation.
3. Senior Chemist	By transfer	M.Sc. Degree in Chemistry and a minimum of 5 yerrs' experience as Junior Chemist and or as Assistant Chemist in the Department.

(1)	(2)	(3)
	Direct Recruitment	1. M.Sc. Degree (1st or 2nd class) in Chemistry, preferably in Analytical Chemistry. 2. Experience in the Chemical Analysis or ores and minerals in a laboratory attached to State or Central Government Departments or Organisations or Private Undertakings recognised by Government, for a minimum period of two years.
4. Geologist	Transfer	1. B.Sc. (Hons) or M.Sc. or equivalent degree in Geology, Applied Geology, Mining or Mining Engineering or Diploma in Mining or Applied Geology from the Indian School of Mines and Applied Geology, Dhanbad. 2. Two years' service in the Department as Assistant Geologist.
	Direct Recruitment	1. B Sc. (Hons) or M.Sc. or equivalent degree in Geology, Applied Geology, Mining or Mining Engineering or Diploma in Mining or Applied Geology from the Indian School of Mines and Applied Geology, Dhanbad. 2. Three years' experience in Geological field work in a responsible post in a Central/State Government or Private Organisation. *Note* :—The experience prescribed for direct recruitment to the various categories shall be one gained after acquiring the basic academic qualification fixed for the respective categories.

7. *Probation*.—Every person appointed to any of the categories shall be from the date on which he joins duty be on probation :

(i) if recruited direct or by transfer from any other service, for a total period of 2 years on duty within a continuous period of three years, and

(ii) if appointed by promotion, for a total period of one year on duty within a continuous period of 2 years.

8. *Test*.—Every person appointed to any of the categories shall within the prescribed period of probation pass the Account Test (Lower) if he ha not already passed the test.

By order of the Governor.
T. P. Vasudevan Nair,
Joint Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

The existing Special Rules of Kerala Geology Service were issued in 1966. The posts of Assistant Director of Geology and Personal Assistant to the Director of Geology included therein were later abolished and a post of Senior Ghemist was created in 1976. With the abolition of the post of Assistant Director, it became necessary to fill up the post of Deputy Director of Mining and Geology, by promoting persons from the next lower category of Geologists provisionally pending amendment of the Special Rules. Orders were accordingly issued in G.O.Ms. 196/75/ID dated 31-7-1975. It is therefore, necessary to give retrospective effect to the Revised Special Rules with effect from 1-8-1975. It is also considered that the qualifications etc. for the post of Director require revision to cope with the increased responsibilities of the post. It has therefore been decided to issue revised Special Rules for the Kerala Geology Service in the place of existing Rules. This notification is intended to achieve the objects.

To

The Director of Mining & Geology.
The Secretary, Kerala Public Service Commission (with G.L.)
The Accountant General, Kerala.
The General Administration (Services-B) & Rules Department.
The Secretary to Governor.
The Private Secretaries to Advisors.
The Under Secretary to Chief Secretary.

Kerala Gazette No. 5 dated 2nd February 1982.
PART I

Section iv



GOVERNMENT OF KERALA

Abstract

GENERAL PROVIDENT FUND—AVOIDANCE OF DELAY IN THE DISBURSEMENT OF PROVIDENT FUND ACCUMULATIONS—SUBSCRIBERS VOLUNTARILY CEASE TO SUBSCRIBE DURING THE LAST ONE YEAR OF SERVICE—FORWARDING OF PROVIDENT FUND CLOSURE APPLICATION—AMENDMENT TO RULES—ISSUED

FINANCE DEPARTMENT

G. O. (P) No. 867/81/Fin. Dated, Trivandrum, 31st December 1981.

Read:—1. G.O.(P) No. 429/73/Fin. dated 19-11-1973.

2. D. O. Letter No. F. M/Ex/1-5A/80-81/67/173 dated 25-3-1981 from the Accountant General, Kerala.

NOTIFICATION

S. R. O. No. 117/82.—In exercise of the powers conferred by subsection (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby makes the following rules further to amend the General Provident Fund (Kerala) Rules, namely:—

Rules

C. S. No. 1/81/Fin. Dated, 31st December 1981.

1. (1) These rules may be called the General Provident Fund (Kerala) Amendment Rules, 1981.

(2) They shall come into force at once.

2. In the General Provident Fund (Kerala) Rules, in rule 30, after sub-rule (b), the following sub-rule shall be inserted, namely:—

"(c) A subscriber who under the third proviso to rule 10 voluntarily ceases to subscribe to the General Provident Fund, during the last one year of service immediately preceding the date of his retirement, can apply for final withdrawal of his provident fund accumulations three months after the date of such option and the amount standing at his credit shall become payable to him before the date of his retirement".

By order of the Governor,

P. NAMASIVAYAM,
Additional Secretary

[P. T. O.]

Explanatory Note

(This note is not part of the Amendment, but is intended to indicate its general purport)

This amendment is intended to avoid delay in the final settlement of Provident Fund closure cases due to belated receipt of closure applications or delays in getting discrepancies settled by the Departmental Officers. A person who voluntarily ceases to subscribe one year preceding from the date of his retirement can ask for final withdrawal of his Provident Fund accumulations three months after the date of such option. The advantage is that while in service itself the employees can effectively get the closure papers moved from the parent office and speed up the issue of the authorisation from the office of the Accountant General and receive the cash while they are still in service.

To

The Accountant General, Kerala.
All Heads of Departments and Offices.
All Departments (All Sections) of the Secretariat
The Secretary, Kerala Public Service Commission (with C.L.)
The Registrar, High Court of Kerala, Ernakulam (with C.L.)
The Registrar, University of Kerala/Cochin/Calicut (with C.L.)
The Registrar, Kerala Agricultural University, Trichur ,,
The Advocate General, Ernakulam (with C.L.)
The Secretary, Kerala State Electricity Board, Trivandrum ,,
The General Manager, Kerala State Road Transport Corporation, Trivandrum
The Secretary to Governor.
The Private Secretaries to Chief Minister and other Ministers.
The Stenographers to the Chief Secretary and Additional Chief Secretary.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-C) Department

NOTIFICATION

No. 29704/TC2/81/TF&P. *Dated, Trivandrum, 18th November* 1981.

S. R. O. No. 118/82.—Whereas representation has been received by Government from the Stage Carriage Operator Shri Francis D. Almeda, Pallippuram that the vehicle tax for the quarter ended on the 31st March, 1981 in respect of the Stage Carriage bearing Registration No. KLF. 645 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of Vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriages ordinarily kept for use in the State for the quarter ended on the 31st March, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 31st March, 1981 in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 31st March, 1981 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 30th September, 1981 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33442/TC2/75-5/PW dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

P. SANKARAN NAIR,
Additional Secretary.

[P. T. O.]

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator Shri Francis, D. Almeda, Pallippuram requesting extension of time for payment of vehicle tax for the quarter ended 31st March, 1981 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise this vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Kerala Gazette No. 5 dated 2nd February 1982.
PART I **Section iv**

GOVERNMENT OF KERALA

Food (C) Department

NOTIFICATION

ERRATUM

No. 11092/C2/81/Food. *Dated, Trivandrum, 17th November* 1981.

S. R. O. No. 119/82.—In the order No. 6401/C2/81/Food dated 25-9-1981 published in the Kerala Gazette Extraordinary dated 3-10-1981, the words "ex-mill" occurring in the explanatory note of the Order be read as "wholesale".

By order of the Governor,
G. SOMANATHAN,
Additional Secretary.

G 1837

GOVERNMENT OF KERALA

Agriculture (Agri.) Department

NOTIFICATION

G.O. (Ms) No. 381/81/AD. *Dated, Trivandrum, 20th November* 1981.

S. R. O. No. 136/82.—Under subsection (1) of section 11 of the Seeds Act, 1966 (Central Act 54 of 1966) and in supersession of Notification No. 76210/G2/77/AD dated the 17th August, 1978 published in Part I Section IV of the Kerala Gazette No. 51 dated the 19th December, 1978, the Government of Kerala hereby specify the Additional Director of Agriculture (Crop Production) to be the appellate authority for the purpose of the said section with effect from the date of publication of this Notification in the Gazette.

By order of the Governor,
P. VISWANATHAN NAIR,
Additional Secretary.

Explanatory Note

(This is not part of the notification, but is intended to indicate the general purport).

As per section 11 (1) of the Seeds Act, 1966 any person aggrieved by the decision of the Seed Certification Agency may prefer an appeal to the Appellate Authority. Accordingly, Government constituted the Appellate Authority for the State as per Notification No. 76210/G2/77/AD dated 17-8-1978. As per the above notification Additional Director of Agriculture (FC) is the Appellate Authority for the State. As the post of Additional Director of Agriculture (FC) had been abolished it is proposed to nominate the Additional Director of Agriculture (CP) as Appellate Authority in the place of Additional Director of Agriculture (FC). This notification is intended to achieve the above purpose.

GOVERNMENT OF KERALA

Labour (F) Department

NOTIFICATION

G. O. (Rt.) 1387/81/LBR. *Dated, Trivandrum, 6th November* 1981.

S.R.O. No. 137/82.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948), read with section 91-A thereof the Government of Kerala, in consultation with the Employees' State Insurance Corporation hereby exempt M/s Vaikom Mats and Mattings Co-operative Society Ltd. No. 349,Vaikom, from the operation of the provisions of the said Act for a period of one year from the 26th July, 1981, subject to the following conditions, namely:—

1. The society shall maintain a register showing the names and designations of its employees ;

2. Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates ;

3. The contribution for the exempted period, if already paid, shall not be refunded ;

4. The society shall submit in respect of the period during which it was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;

5. Any Inspector appointed by the Corporation under subsection (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under subsection (1) of section 44 of the said Act; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in considerations of which exemption is being granted under this notifications; or

(iv) ascertaining whether any of the provisions of the said Act had been complied with during the period when such provisions were in force in relation to the said society be empowered to—

(a) require the society to furnish to him such information as he may consider necessary ; or

(b) enter any factory, establishment office or other premises occupied by the said society at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such documents, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or

(c) examine the officers of the society or the servants, of the said society or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee ; or

(d) make copies of or take extracts from any register, account book or other documents maintained in such society, establishment, office or other premises of the society.

By order of the Governor,

G. P. NAIR,

Special Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

M/s Vaikom Goir Mats and Mattings Co-operative Society Ltd. No. 349 Vaikom have represented to Government that they may be exempted from the operation of the provisions of E S.I. Act. Government after consulting the Regional Director, E.S.I. Corporation and after considering the matter in the Regional Board Meeting of the E.S.I. Corporation held on 30-7-1981 have decided to grant exemption to the society for a period of one year from 26-7-1981 to 25-7-1982. The notification is intended to achieve this purpose.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-C) Department

NOTIFICATION

No. 29702/TC2/81/TF&P. *Dated, Trivandrum, 19th November,* 1981

S.R.O. No. 138/82.—Whereas representation has been received by Government from the Stage Garriage Operator Shri O. Ahamed Koya, Thulaparambil, Nadakkal that the vehicle tax for the quarter ended on the 31st December, 1980 in respect of the stage carriage bearing Registration No. KLD. 9766 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 31st December, 1980 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 31st December, 1980 in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 31st December, 1980 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 30th September, 1981 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

P. SANKARAN NAIR,
Additional Secretary.

[P.T.O.]

(iv) ascertaining whether any of the provisions of the said Act had been complied with during the period when such provisions were in force in relation to the said society he empowered to—

(a) require the society to furnish to him such information as he may consider necessary ; or

(b) enter any factory, establishment office or other premises occupied by the said society at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such documents, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or

(c) examine the officers of the society or the servants, of the said society or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee ; or

(d) make copies of or take extracts from any register, account book or other documents maintained in such society, establishment, office or other premises of the society.

By order of the Governor,

C. P. Nair,

Special Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

M/s Vaikom Coir Mats and Mattings Co-operative Society Ltd. No. 349 Vaikom have represented to Government that they may be exempted from the operation of the provisions of E S.I. Act. Government after consulting the Regional Director, E.S.I. Corporation and after considering the matter in the Regional Board Meeting of the E.S.I. Corporation held on 30-7-1981 have decided to grant exemption to the society for a period of one year from 26-7-1981 to 25-7-1982. The notification is intended to achieve this purpose.

GOVERNMENT OF KERALA

Labour (B) Department

NOTIFICATION

G. O. (Rt.) No. 60/82/LBR *Dated, Trivandrum, 20th January* 1982.

S. R. O. No. 139/82—In exercis of the powers confered by section 6 of the Kerala Toddy Workers' Welfare Fund Act, 1969 (22 of 1969), read with pragraph 6 of the Kerala Toddy Workers' Welfare Fund Scheme, 1969, the Government of Kerala hereby appoint Shri. V. Krishnamurthy, Secretary to Government , Labour Department, as a Director of the Kerala Toddy Workers' Welfare Fund Board constituted under notification G. O.(Rt) 947/79/L&H dated the 3rd July, 1979, published as S. R. O. No.753/79 in the Kerala Gazette Extraordinary No. 468 dated the 3rd July, 1979 in the place of Shri. C.P. Nair and under subsection (4) of section 6 of the said Act the Government of Kerala hereby appoint Sri. V.Krishnamurthy, Secretary to Government, Labour Department, to be the Chairman of the said Board and consequently make the following amendments to the said n·tification, namely:—

AMENDMENTS

In the said notification,—

(1) in the schedule, under the heading " Officials nominated by the Government ", for serial No. 1 and the entries relating thereto, the following shall be substituted, namely:—

"(1) Shri V.Krishnamurthy, Secretary to Government, Labour Department";

(2) in the last paragraph, for " Shri C.P. Nair, Special Secretary to Government, Labour and Housing Department", the following shall be substituted, namely:—

" Shri. V. Krishnamurthy, Secretary to Government, Labour Department."

By order of the Governor,
V. S. BHARATHAN,
Additional Secretary.

Explanatory Note

(This does not form part of the Notification, but is intented to indicate the general purport).

As per G. O. (Rt.) No. 162/82/GAD dated 6-1-1982, Shri V. Krishnamurthy has been appointed as Secretary to Government, Labour Department in the place of Sri. C.P. Nair who has been appointed as Special Secretary to Chief Minister, Government have decided to appoint Shri. V. Krishnamurthy as on of the Directors as well as the Chairman of the Kerala Toddy Workers' Welfare Fund Board.

The notification is intended to achieve the above purpose.

Government of Kerala
1982

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Tuesday, 2nd February 1982 / 13th Magha 1903 [No. 64

GOVERNMENT OF KERALA

Revenue (R) Department

NOTIFICATION

No. 79503/R2/81/RD. *Dated, Trivandrum, 29th January,* 1982.

S.R.O. No. 141/82.—In exercise of the powers conferred by section 99 A of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following amendments to their notification No. 9589/N2/70/LRD dated the 11th May, 1970, published as S. R. O. No. 193/70 in the Kerala Gazette No. 20 dated the 19th May, 1970, as subsequently amended, namely:—

AMENDMENTS

In the Schedule to the said notification,—

(1) for the entry in column (4) against serial number 4, the following shall be substituted, namely:—

"Malappuram, Wynad and Kozhikode Districts except Badagara Taluk in Kozhikode District";

(2) for the entry in column (4) against serial number 5, the following shall be substituted, namely:—

"Cannanore District except Kasargod and Hosdrug Taluks and Badagara Taluk in Kozhikode District";

(3) after serial number 5 in column (1) and the entries relating thereto in columns (2), (3), (4) and (5), the following serial number and the entries shall be inserted, namely:—

(1)	(2)	(3)	(4)	(5)
"6.	Appellate Authority, Kasargod	Sri A. V. Vasudevan Nair, Deputy Collector.	Kasargod and Hosdrug Taluks in Cannanore District	Kasargod

By order of the Governor,

K. RANGANATHAN,
Deputy Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In G. O. (Rt.) No. 1765/81/RD dated 5-10-1981 Government have accorded sanction for the creation of a new Appellate Authority at Kasargod exclusively for Kasargod and Hosdrug Taluks. The new Appellate Authority viz. Shri A. V. Vasudevan Nair, Deputy Collector has taken charge with effect from 7-11-1981. Considering the number of appeals pending with the Appellate Authorities, Cannanore and Kozhikode it has also become necessary to bifurcate the Appellate Authority, Kozhikode also for even distribution of work. The notification is intended to give effect to the above changes.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1982.

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Tuesday, 2nd February 1982 / 13th Magha 1903 [No. 65

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 851/LA4/82. *Dated, Trivandrum, 2nd February, 1982.*

The Kerala Essential Articles Control (Temporary Powers) Continuance Bill, 1982 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1982.

33/377/MC.

Sixth Kerala Legislative Assembly

Bill No. 94

THE KERALA ESSENTIAL ARTICLES CONTROL (TEMPORARY POWERS) CONTINUANCE BILL, 1982

A

BILL

further to continue the Kerala Essential Articles Control (Temporary Powers) Act, 1961.

Preamble.—WHEREAS it is expedient to continue the Kerala Essential Articles Control (Temporary Powers) Act, 1961, for a further period;

BE it enacted in the Thirty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Essential Articles Control (Temporary Powers) Continuance Act, 1982.

2. *Amendment of section 1.*—In sub-section (3) of section 1 of the Kerala Essential Articles Control (Temporary Powers) Act, 1961 (3 of 1962) (hereinafter referred to as the principal Act), for the words "twenty years)", the words "twenty-one years" shall be substituted.

3. *Repeal and saving.*—(1) The Kerala Essential Articles Control (Temporary Powers) Continuance Ordinance, 1982 (1 of 1982), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 16th day of January, 1982.

STATEMENT OF OBJECTS AND REASONS

The Kerala Essential Articles Control (Temporary Powers) Act, 1961 (3 of 1962), provides for the control of the production, supply and distribution of, and trade and commerce in, articles which are not essential commodities under the Essential Commodities Act, 1955 (Central Act 10 of 1955), and which the State Government may declare by notified order to be essential articles. The period of operation of the said Act as amended by the Kerala Essential Articles Control (Temporary Powers) Continuance Act, 1979

(5 of 1979) was due to expire on the 16th day of January, 1982. It was considered necessary to extend the period of operation of the Act for a further period of one year.

2. As the Legislative Assembly was not in session, the Kerala Essential Articles Control (Temporary Powers) Continuance Ordinance, 1982 (1 of 1982), was promulgated by the Governor on the 16th January, 1982, to achieve the above object. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

C. H. MOHAMMED KOYA